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Monday
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Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.; Salt Lake City, Utah; Seattle, Wash.; Chicago, Ill.; St. Louis, Mo.; and Pittsburgh, Pa.**, see announcement in the **Reader Aids** section at the end of this issue.

Table of Effective Dates and Time Periods—May 1980 (Republication)—See **Readers Aid** Section of this issue for corrected table.

31262 **Grant Programs—Community Development** HUD/CPD issues proposed clarifications and changes to Urban Development Action Grant rules; comments by 7-7-80 (Part II of this issue)

31133 **Grant Programs—Social Programs** CSA proposes grantee personnel management policies and procedures; effective 7-11-80

31066 **Inventories and Patents** Interior sets forth final regulations, policies of the Water Research and Technology Office in connection with inventions, patents, technical data, copyrights; effective 5-8-80

31113 **Military Personnel** DOD/AF amends regulations on obtaining medical, dental, and veterinary care from civilian sources; effective 3-31-80

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Highlights

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31050 **Savings and Loan Associations** FHLBB authorizes Federal savings and loan associations to invest in commercial real estate loans under certain conditions; effective 5–5–80

31094 **Grant Programs—Alcoholism** HEW/PHS makes final technical amendments to regulations governing grants for prevention, treatment, rehabilition, research centers; effective 5–12–80

31132 **Rent Subsidies** HUD/Sec'y submits interim rule to Congress regarding Flexible Subsidy Program; Funding of Increases in Rent Supplement Contract Payments

31095 **Equal Employment Opportunity** Interior/Sec'y issues rule requiring equal opportunity during construction, operation of Alaska natural gas transportation system; effective 5–12–80

31119 **Improving Government Regulations** FHLBB publishes Semiannual Agenda of regulations

31207 **Oil, Gas and Sulphur Exploration** Interior/GS announces receipt of proposed development and production plan (2 documents)

31253 **Bonds** Treasury/Sec'y announces interest rate on Series K–1983

31063 **Veterans** VA amends regulations regarding holders acceptance of partial payments on VA guaranteed and insured home, mobile home and vendee loans; effective 5–5–80

31062 **Veterans** VA issues final regulations regarding suspension of educational assistance allowance payments; effective 5–5–80

31122 **Mobile Homes** FHLBB proposes amendments to mobile home loan consumer protection provisions; comments by 6–5–80

31276 **Public Lands** Interior/BLM relocates all law enforcement provisions dealing with public lands and resources in the CFR to provide easy reference; effective 5–12–80 (Part III of this issue)

31284 **Public Lands** Interior-BLM proposes rulemaking on land use authorizations under Federal Land Policy and Management Act; comments by 7–11–80 (Part IV of this issue)

31256 **Sunshine Act Meetings**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 953

Potatoes Grown in Southeastern States; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the Southeastern Potato Committee for the fiscal period beginning June 1, 1980. The regulation enables the committee to collect assessments from first handlers on all assessable potatoes and to use the resulting funds for its expenses.

EFFECTIVE DATE: June 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter (202) 447–2615.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 953, as amended (7 CFR Part 953), regulating the handling of potatoes grown in designated counties of Virginia and North Carolina, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) as the order requires that the rate of assessment for a particular period shall apply to all assessable potatoes from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee held April 10, 1980, in Norfolk, Virginia. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

This regulation has not been determined significant under USDA criteria for implementing Executive Order 12044.

Part 953 is amended by adding § 953.217 to read as follows:

§ 953.217 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred during the fiscal period June 1, 1980, through May 31, 1981, by the Southeastern Potato Committee for its maintenance and functioning amount to $11,125.

(b) The rate of assessment to be paid during this period by each handler under this part shall be one-half cent ($0.005) per hundredweight of potatoes of which he is the first handler. However, potatoes for canning, freezing, and other processing shall be exempt. Also, the mimimum quantity exemption of up to five hundredweight of potatoes that may be shipped per day by each handler shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meanings as when used in the said amended marketing agreement and this part.

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

Dated: May 7, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-14574 Filed 5-9-80 8:45 am]
BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 524

[No. 80-289]

Operations of the Banks; Safekeeping Accounts

May 5, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This regulatory amendment provides that securities owned by each Federal Home Loan Bank may be held at any Federal Reserve Bank or, with prior Board approval, at any depository commercial bank that is a member of a Federal Reserve Bank.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION, PLEASE CONTACT: Deborah S. Siebert, Office of Finance (202–377–6330), or Kenneth F. Hall, Office of the General Counsel (202–377–6443), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 524.9 of the Bank System Regulations (12 CFR 524.9) currently provides that securities owned by each Federal Home Loan Bank ("Bank") shall be held in the Federal Reserve Bank of New York or Chicago. However, it permits each Bank to arrange with a Federal Reserve Bank or one of its depository commercial banks to hold U.S. Treasury bills or Certificates of Indebtedness, and provides that any special series U.S. Treasury Note may be held with the U.S. Treasurer or any depository designated by the Board.

The amendment to § 524.9 simplifies and updates the regulation and broadens the authority of the Banks by permitting them to hold their securities with any commercial bank member of the Federal Reserve System approved by the Board. This revision will enable the Banks to undertake securities transactions more efficiently and will relieve the Federal Reserve Banks of a significant paperwork burden.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11 because this amendment facilitates securities transactions undertaken by the Banks and therefore is in the public interest, and (2) publication of this amendment for the 30-day period

specified in 5 U.S.C. 553(d) and 12 CFR 508.14 prior to the effective date is unnecessary for the same reason.

Accordingly, the Board hereby revises § 524.9 of the Regulations for the Federal Home Loan Bank System (12 CFR 524.9) to read as set forth below.

PART 524—OPERATIONS OF THE BANKS

§ 524.9 Safe-Keeping accounts.

Securities owned by each Bank shall be held at any Federal Reserve Bank or, with prior Board approval, at any depository commercial bank that is a member of a Federal Reserve Bank.

(Sec. 17, 47 Stat. 736, as amended, 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 23 FR 4981, 3 CFR, 1943–38 Comp. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-14575 Filed 5-9-80; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 545

[No. 80-285]

Branching of Federal Associations

May 5, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board adopts simplified, consolidated regulations regarding the branching of Federal savings and loan associations. In doing so, the Board reduces regulatory branching requirements and provides flexibility for Federal associations to better serve their communities in innovative ways.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION, PLEASE CONTACT: Lois G. Jacobs, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Telephone number (202) 377–6456.

SUPPLEMENTARY INFORMATION: On June 14, 1979, the Federal Home Loan Bank Board, by Resolution No. 79–339 (44 FR 36060; dated June 20, 1979), proposed to consolidate its regulations governing various types of facilities into one set of branch office regulations with common requirements and procedures. At the same time, the Board proposed to revise the regulatory branch criteria to exclude "need" and "probability of success," and include only the "undue injury" test, an applicant's performance under the Community Reinvestment Act ("CRA"), and a determination that the association is operating in a safe and sound manner. The proposed regulation also added procedures for upgrading and closing branch offices, eliminated eligibility requirements for filing branch applications, and codified Board policy for processing branch applications from an association with a pending merger or conversion application.

The Board received comments from 77 Federal associations, 13 State-chartered institutions, five trade associations, and seven others.

Six Federal associations, eight State-chartered institutions, and one savings and loan consultant opposed the proposed regulations. All objected that the Board would be ignoring its responsibility to ensure the safe and sound operation of its regulatees through proposed liberalized branching procedures. They argued that the existing regulations provide a necessary framework to protect the financial strength of the savings and loan industry; without this framework, they felt that depositors and the FSLIC would be in a precarious position.

The Board is not persuaded by the opposing commenters' arguments, and therefore, is adopting the regulations substantially as proposed with modifications discussed below. The Board believes that the decision to branch should be a management determination with Board intervention only if the establishment of a branch will cause undue injury to existing thrifts or if the branching association has supervisory problems or an unacceptable CRA record.

Many years ago the arguments against limited deregulation of branching requirements might have had some validity because only a small proportion of associations had experience with branch operations and could therefore be expected to make sound managment decisions with respect to the successful operation of a branch. However, as of September 30, 1979, 1,451 out of the 1996 Federally-chartered associations operated branches. Those associations that did not operate branches accounted for only 5.1 percent of savings accounts held by Federal associations.

Thus, branch operations have become a common aspect of the operation of Federal associations, and the prevalence of branching experience indicates to the Board that, just as a Federal association has management discretion in the type of loans it underwrites and its marketing of liability instruments, it should have the same management latitude in its expansion decisions.

There is no evidence that branch operations are likely to contribute to unsafe or unsound conditions so long as branches are operated by associations in sound financial condition. Analysis of associations that have failed or become financially troubled reveals that branch operations *per se* have not been a significant factor contributing to financial difficulty. Mortgage lending policies and poor management appear to be the major factors behind the modest number of failures in the savings and loan industry. The Board believes that the degree of proposed deregulation will not impair its ability to ensure safe and sound operation of applicant associations. In the proposed procedures, supervisory clearance is a prerequisite to actual processing and the Board can deny an application if the applicant association is not operated in a safe and sound manner.

All remaining commenters supported the simplification and consolidation, although 16 Federal associations and a trade group objected to the proposed elimination of "need" as a criterion for evaluating branch applications. These commenters predicted that elimination of any existing criteria would result in overexpansion and a decline in the quality of expansion if associations rushed to open facilities at prime locations. Several commenters expressed concern that expansion, especially by large statewide institutions into local markets that are already competitive and well-served, would cause concentration of resources, frequent mergers, and an overall reduction in the number of effective competitors. One Federal association questioned whether the existing criteria were rooted in case law and, therefore, would be difficult to modify.

The Board has determined to modify the criteria as proposed. The elimination of "need" and "probability of success" was proposed because evaluation of these criteria does not materially assist the Board in its branching decisions. Reduction in criteria would similarly reduce the amount of application data and the number of substantial protests which trigger additional Board procedures. The Board's staff estimates the total five-year cost savings to the industry and the agency at over $29 million. The Board's experience is that branching is generally procompetitive and it believes that branching decisions should be primarily within the business judgment of associations. Reduction in criteria will allow branching to be a management decision of the association while keeping supervisory oversight and CRA evaluation in the Board's purview. The Board believes that increased opportunities for expansion resulting from liberalized branching procedures will promote competition and enhance

consumer services without harming small competitive institutions, which are still protected under the undue injury criterion.

The Board is aware that in areas with a significant number of financial institutions, liberalization of the branching criteria might be counter to its regulatory objectives. The Board, therefore, intends to carefully monitor the number of existing and new facilities and the impact of any increase in branching on the financial condition of affected savings and loan associations. If the Board finds that the regulations adopted today are leading to the existence or likelihood of oversaturation in one or more geographic areas, the Board will consider imposition of restrictions on branching on an area-wide basis.

The preamble to the proposed regulation stated that undue injury would be discussed further in a revised policy statement on branching, rather than in these regulations. A number of commenters asked the Board to explicitly define "undue injury" and to set forth in the regulation that the protestant has the burden of proving it.

The Board today is proposing for comment, in the Proposed Rules Section of this issue, its policy statement on branching. The proposed policy statement reflects the Board's views that: (1) In general, the Board will consider and evaluate "undue injury" to an institution as a whole, not merely to a branch; (2) the Board will give particular consideration to a protest of "undue injury" raised by a newly-chartered or newly-insured institution; (3) the Board will also consider the total economic condition of the market area; and (4) the Board may deny an application, including one protested on "undue injury," based on any information available to it, not just information presented by either a protestant or an applicant.

Several commenters argued that, if the criteria are changed as proposed, then applicants will focus on an applicant's CRA record. This could result in frivolous or unsupportable CRA protests with concomittant processing delays. In addition, the continual attack on CRA performances by protesting competitors could produce unfavorable public response to the entire savings and loan industry. Commenters encouraged the Board to label "insubstantial" those CRA-based protests lodged against applicants with clearly favorable CRA assessments.

One important purpose of the proposed change in criteria is to streamline the application process and eliminate two grounds for protest ("need" and "probability of success") that rarely provide meaningful data for Board evaluation. The Community Reinvestment Act of 1977, 12 U.S.C. 2901, requires the Board to take an association's community service record into account when evaluating applications for deposit facilities; therefore, "CRA" is a statutory criterion for evaluation of branch applications. Although, existing branching regulations advise the Principal Supervisory Agent not to consider a CRA-based protest filed by an individual or community group "insubstantial" because of the *form* in which it is submitted, paragraph (e) of § 545.14 does not encourage or condone frivolous protests on any grounds. The Board believes that continued agency and public experience with enforcement of the CRA regulations and evaluation of applications with CRA-based protests will moderate competitors' attitudes about filing CRA-based protests.

The proposed regulation eliminated existing lengthy and complex eligibility requirements which limit the number of facility applications a Federal association may have on file at one time. An exception remained for associations in states that have a working understanding with the Board on this subject, currently California, Ohio, and Washington. Although the proposed regulation clearly retained the "working understanding" exception, 17 California commenters urged the Board to continue to retain it in its present form and some even suggested extending such agreements to all states. On the other hand, several commenters urged elimination of the agreements because they usurped Federal pre-emption doctrines.

The Board has eliminated eligibility requirements because they are unnecessarily restrictive; however, the final regulation retains the exception for existing agreements, because these agreements provide a framework for maintaining parity between state and Federal savings and loans and include provisions limiting branch filings for both groups of institutions.

A number of commenters suggested non-substantive changes to the provision regarding public notice and inspection in § 545.14(e). Commenters asked if foreign-language publication is required in addition to or instead of regular English-language newspaper publication. The Board intends that the Supervisory Agent have authority to require foreign language notice of an application in addition to other notice, at his or her discretion, after determining that the primary language of a significant number of the adult residents of the community of a proposed branch is not English.

Several commenters also requested that the provision reflect the current practice in which an application and its filing are considered confidential until the applicant is *advised to publish*, not "until publication" as the paragraph was proposed. The final regulation has been modified as suggested.

Many suggestions centered on modification of time requirements in § 545.14(f), especially for CRA-based protests. The Board notes in this connection that a protestant actually has a full 17 days from the date of first publication to decide whether to request additional time to file a protest. In addition, commenters wanted processing deadlines specified.

The Board is satisfied that existing procedures afford all interested parties a fair amount of time to protest or respond to protests regarding applications. The Board also notes that its staff has developed internal procedures to expedite processing of applications.

Several commenters suggested creation of a uniform set of rules in § 545.14(g) for oral argument, including uniform treatment of the introduction of "new material" and specified time for applicant rebuttal. By regulation, the Supervisory Agent has discretion in conducting oral argument within general guidelines. The Board believes at this time that the existing procedure is appropriate, but has directed its staff to consider whether uniform guidelines would expedite processing and streamline oral argument.

The proposed regulation added two paragraphs to § 545.14(k) regarding an association's filing of a branch application after having filed an application to merge into or convert to a state-chartered association. Proposed paragraph (2) would have codified the existing Board policy which bars an association from filing a branch application when it has applied to merge into or convert to a state-chartered institution. Proposed paragraph (3) would have given the Board the regulatory authority to deny a branch application if the branch would not in fact be operated as an office of a Federal association.

The preamble to the proposed regulation specifically solicited comment on whether the Board should continue to deny an association the opportunity to file a branch application after a merger or conversion application has been pending for a substantial period of time. Commenters suggested time periods of three and six months, although several commenters

recommended a reversal in Board policy to allow a Federal association to file branch applications until the Board actually approves the applied-for merger or conversion.

Only two associations commented on proposed new regulatory authority to disapprove a branch application if the Board determined the proposed branch would not be operated as a branch of a Federal association. One commenter called the provision punitive; the other called it unenforceable.

The Board has adopted the two paragraphs substantially as proposed. The Board believes that once a Federal association begins the process of converting to or merging into a state-chartered association, it should look to state authorities for expansion approval. So that an association "in process" will not be unduly restricted, however, the Board has decided to permit an association to file a branch application once a conversion or merger application has been pending for six months. In addition, the Board thinks it desirable to provide specific regulatory language to deny applications when an association is deliberately trying to circumvent state branching requirements; therefore, the new regulatory authority is adopted as proposed.

Several commenters suggested that the Board exempt from application procedures all change-of-office locations planned for distances close to the old office. Commenters asserted that a "short-distance relocation" exemption would provide relief for increasing numbers of associations in this situation and that the exemption would particularly benefit rural communities. In addition, several commenters questioned the showing of "need" for change of location when the Board is proposing elimination of "need" for branch offices.

The Board considered the short-distance relocation issue in connection with CRA procedural regulations and is still studying it at this time; therefore no changes are adopted. The Board agrees with commenters that a required showing of need for office relocation is inconsistent with elimination of "need" as a criterion for evaluating other branch applications. Although "need" as a branch criterion does not have the same meaning as "need" for change of office, in order to eliminate confusion, the Board has changed the word "need" to "adequate reasons" in § 545.15(c). This provision is intended to provide information regarding the business purpose for the office relocation and what effect the change will have on future operations of the branch.

The Board has also added new paragraph (m) to § 545.14 to explain the effect of the new regulation on existing applications. The new regulation will apply to any application published for its first required notice on or after January 1, 1981. According to existing Board policy (Board Res. No. 71-495, dated May 25, 1971), an association may withdraw an application pending before the Board without prejudice any time before the Board acts on it. This policy is unchanged and would permit an applicant to withdraw a pending application, and refile under the new regulations, with required public procedures. If an application filed under the old regulation comes before the Board, it will be considered under the old regulation.

Paragraph (c) of newly adopted § 545.16-1 has been broadened from the proposal to allow a Federal association to participate in a data processing center with any other thrift institution(s), not just FSLIC-insured institutions. In addition, the section as adopted broadens the permissible mode of investment in such center to include a not-for-profit corporation.

The Board believes that all thrifts should have the benefit of the economies of scale involved in multi-user data processing services; so long as all participants agree to permit the Board to examine the records of the center (as required in paragraph (b)(2) of this section), the Board believes that the strict standards for safety and soundness imposed by the FSLIC will be ensured. The proposed regulation permitted investment only through a service corporation or a non-corporate arrangement. The Board believes, however, that investment through a not-for-profit corporation is also permissible for Federal associations, since it avoids the investment/risk characteristics of a usual corporate investment, while giving Federal associations the convenience and protection of limited corporate liability.

The Board has decided to delay implementation of these final regulations until January 1, 1981, in order to provide state authorities with an opportunity to develop comparable procedures for state-chartered institutions. The delay will also give the Board adequate time to modify its application procedures and consider final amendment of its policy statement on branching.

Accordingly, the Board hereby amends Part 545 of the Rules and Regulations for the Federal Savings and Loan System, as follows:

Substitute new text for 12 CFR 545.14, 545.14-1, 545.14-2, 545.15, and 545.16, revoke 12 CFR 545.14-3, 545.14-4, 545.14-5, and add a new 12 CFR 545.16-1 to read as set forth below.

PART 545—OPERATIONS

§ 545.14 Branch Offices.

(a) *General.* A branch office of a Federal association is any office other than its home office, agency office, data processing or administrative office, or a remote service unit. Except as limited by this section, any business of a Federal association may be transacted at a branch office. Except as provided in paragraph (j) of this section, a Federal association shall not establish a branch office without prior written approval of the Board or its Principal Supervisory Agent.

(b) *Eligibility.* A Federal association may apply for a branch regardless of the number of branch applications it has pending before the Board, unless otherwise currently restricted under an agreement between the Board and a State agency that regulates state-chartered savings and loan associations.

(c) *Application form; filing; completion; supervisory objection.* Applicants shall obtain Board-approved application and notice forms and related instructions from the Supervisory Agent. An application is filed when four copies are delivered to the Supervisory Agent; the application is complete when the Supervisory Agent determines that all required information has been submitted. The Board shall not accept an application if, in its opinion, the association is not eligible, or its policies, condition, or operations afford a basis for supervisory objection. The Supervisory Agent shall determine that the application is complete, the applicant is eligible, and that as a preliminary matter there is no basis for supervisory objection to the application, before giving direction for publication of notice.

(d) *Amendment of application; additional information.* An applicant may amend an application or file additional supporting information only until the date of notice to publish under paragraph (e) of this section, unless otherwise requested to do so by the Supervisory Agent or the Board.

(e) *Public notice and inspection.* (1) After the Supervisory Agent determines that the application is complete, s/he shall direct the applicant in writing to publish the first of two notices within 15 days from the date of the direction. The applicant shall publish notice on the same day of 2 consecutive weeks in a newspaper printed in the English language having a general circulation in the applicant's home office community

and in the community to be served by the proposed branch office. If the Supervisory Agent determines that the primary language of a significant number of the adult residents of either community is a language other than English, s/he may require the applicant to give notice in the appropriate language(s).

(2) Promptly after publication, the applicant shall transmit to the Supervisory Agent two copies of each notice and publisher's affidavit of publication.

(3) In addition to notice required under subparagraph (e)(1) of this section, the Supervisory Agent shall give notice of the application to the State official who supervises savings and loan associations in the State in which the branch is to located and to persons whose requests for announcements under § 563e.6 of this Chapter have been received in time for notification. The Supervisory Agent may also give notice to any other person s/he believes might have an interest in the application, but failure to give notice to persons having such an interest is not a basis for procedural objection.

(4) The Board shall consider the application and its filing confidential until the applicant is advised to publish notice, unless otherwise provided in an agreement between the Board and a State agency which regulates State-chartered savings and loan associations and the applicant is so informed upon filing. Thereafter, the application and all related communications may be inspected by any person at the Supervisory Agent's office during regular working hours excluding those portions of related communications the disclosure of which would constitute a clearly unwarranted invasion of privacy.

(f) *Protest.* Persons shall submit communications and answers to protests only as provided in this paragraph or as requested by the Supervisory Agent or the Board.

(1) Within 10 days of the last date of publication of notice of application (or 30 days after that date if extension is requested in writing within the 10-day period), any person may file a communication in favor or protest of the application by furnishing four copies to the Supervisory Agent.

(2) Within 10 days after filing of a protest, the Principal Supervisory Agent shall advise the protestant and the applicant, in writing, whether the protest is considered "substantial."

(3) The Principal Supervisory Agent shall consider a protest "substantial" only if it is in writing, filed on time, and contains at lest the following:

(i) A summary of the reasons for the protest;

(ii) The specific matters in the application to which the protestant objects, and the reasons for each objection;

(iii) Facts supporting the protest, including relevant economic or financial data;

(iv) Any adverse effects on the protestant which may result from approval of the application.

(4) The Principal Supervisory Agent's determination whether a protest is "substantial" is final. The Principal Supervisory Agent shall not consider insubstantial a protest filed by an individual or community group pertaining to an applicant's performance under Part 563e of this chapter merely because of the form in which it is submitted.

(5) The applicant may file an answer to any protest until 15 days after the last date for filing of communications by furnishing four copies of the answer to the Supervisory Agent.

(g) *Oral argument.*—(1) *General.* Oral argument on the merits of an application shall be heard if (i) the applicant or a person who has filed a substantial protest so requests and the request is received by the Supervisory Agent within 10 days after the time for filing answers to all protests has expired; or (ii) the Supervisory Agent, after reviewing the application and other pertinent information, considers oral argument desirable. The Supervisory Agent shall mail notice of the time (which shall be at least 10 days after the mailing) and place of oral argument to the applicant and persons who filed communications. In the case of protests pertaining to Part 563e of this Chapter, the Supervisory Agent shall ensure that the time and place of any oral argument are reasonable convenient to the protestants.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, may hear oral arguments and determine all matters relating to the conduct thereof. Arguments may be made in person or by authorized representative(s). Unless the Supervisory Agent permits otherwise, arguments shall be based only on written information previously filed regarding the application. At least 1 hour shall be allowed to each side for the oral argument. The Supervisory Agent shall make a transcript of the oral argument and include it in the application file.

(h) *Approval by the Board or the Principal Supervisory Agent.* (1) The Board shall approve an application only if, in its opinion, (i) the branch can be established without undue injury to properly conducted existing local thrift and home-financing institutions; (ii) the policies, condition, and operation of the applicant afford no basis for supervisory objection; (iii) the proposed branch will open within 12 months of approval unless otherwise allowed by the Board or the Supervisory Agent. In addition, in considering whether to approve an application, the Board will assess and take into account an institution's record of helping to meet the credit needs of its entire community, including low- and moderate-income neighborhoods, pursuant to Part 563e of this Chapter; assessment of an institution's record of performance may be the basis for denying an application.

(2) The Principal Supervisory Agent may approve, on behalf of the Board, an application for permission to establish a branch office if no substantial protest based on undue injury or Part 563e of this Chapter has been filed.

(i) *Approval of temporary or permanent location.* The Supervisory Agent may approve a temporary and/or permanent location of an approved branch office if the new location is in the immediate vicinity of the approved location and would not be more strongly competitive to any other properly conducted existing thrift and home-financing institution than at the approved location.

(j) *Offices not requiring prior written approval.* A Federal association may establish without prior approval a drive-in and/or pedestrian office opened in conjunction with an approved branch or home office of the association, located within 500 feet of a public entrance of that office and closer to that entrance than to a public entrance of any other FSLIC-insured institution, and the functions of which are limited to the ordinary functions performed at a teller-window.

(k) *Application for and maintenance of branch office after conversion, consolidation, purchase of bulk assets, or merger.* (1) An existing institution which converts to a Federal association may not maintain an existing office, and a Federal association which acquires offices through consolidation, purchase of bulk assets, or merger, may not maintain any acquired office, without written Board approval.

(2) A Federal association may not file a branch application after having filed an application to merge or otherwise

surrender its Federal charter, unless the merger or conversion application has been pending for at least six months.

(3) The Board may deny a branch application if it determines that the applicant will not in fact operate such branch as an office of a Federal association.

(l) *Exclusive agreements prohibited.* A Federal association may not enter into any kind of agreement(s) that would result in the exclusive right to operate a branch office in a regional shopping center, as defined in § 571.11(b) of this chapter, or in a majority of all locations of a chain store, or enter into an agreement under which other financial institutions would be excluded from operating offices in a regional shopping center or any location of a chain store where the Federal association does not have an office.

(m) *Effective date; effect on existing applications.* (1) This regulation applies to any branch application published for its first required notice on or after January 1, 1981; all other pending applications will be evaluated under the regulations in effect immediately prior to such date. (2) An applicant may withdraw a pending application at any time without prejudice.

§ 545.14–1 Upgrading of approved branch office.

(a) *General.* A branch office is upgraded if the association is relieved of any of the restrictions imposed on operation of the office when it opened.

(b) *Notice.* A Federal association operating a limited, mobile, or satellite facility approved before January 1, 1981, or a branch office with conditions imposed on its operation shall notify the Supervisory Agent at least 30 days before upgrading the facility.

(c) *Approval.* If, within 30 days of receipt of the notice, the Supervisory Agent does not notify the association of supervisory objection which would require the association to submit an application or additional information before upgrading, the association may upgrade the facility.

(d) *Upgrading with change of location.* Any upgrading which involves a permanent change of location must be approved under § 545.15.

§ 545.14–2 Closing a Branch Office.

A Federal association shall notify the Supervisory Agent not less than 60 days or in the case of an emergency, as early as circumstances permit, before closing a branch office.

§ 545.14–3 [Rescinded; effective Jan. 1, 1981]

§ 545.14–4 [Rescinded; effective Jan. 1, 1981]

§ 545.14–5 [Rescinded; effective Jan. 1, 1981]

§ 545.15 Change of office location and redesignation of offices.

(a) *General.* A Federal association shall not change the permanent location of its home office or any approved branch office, or redesignate a home or branch office, without prior approval of the Board or the Supervisory Agent.

(b) *Processing of application.* Processing of an application for a change of office location or redesignation of a home or branch office shall follow the procedures set forth in § 545.14 (c), (d), (e), (f), (g), (h), and (i), except that (1) the applicant shall publish the required newspaper notice of application in (i) the applicant's home office community, (ii) the community to be served by the new office, and (iii) the community where the office is to be closed or the home office is to be redesignated as a branch; and (2) the applicant shall post notice of the application for 17 days from the date of first publication in a prominent location in the office to be closed or redesignated.

(c) *Approval by the Board.* An application shall be approved only if the applicant complies with the standards of § 545.14(h) and gives adequate reasons for the change of location or redesignation from the standpoint of the future operation of the association.

§ 545.14–16 Agency.

(a) *General.* A Federal association may, without approval of the Board, to the extent authorized by its board of directors, establish or maintain, within the same state as the home office of the association, agencies which only service and originate (but do not approve) loans and contracts and/or manage or sell real estate owned by the association.

(b) *Additional services.* Except for payment on savings accounts and loan approval services, offering of any services not listed in paragraph (a) of this section may be approved by the Principal Supervisory Agent.

(c) *Records.* An agency shall maintain records of all business it transacts and transmit copies to a branch or home office of the association.

(d) *Notice.* A Federal association shall notify the Supervisory Agent when it opens or closes an agency.

§ 545.16–1 Data-Processing Services.

(a) *Definition.* As used in this section, "data-processing services" means maintenance of bookkeeping, accounting, or other records primarily by mechanical or electronic methods.

(b) *Office.* Subject to § 545.10, an association may establish or maintain an office with functions limited to providing data-processing services primarily for its own use. The association shall not provide these services to others except when incidental or secondary to meeting its own needs.

(c) *Service Center.* (1) An association may participate in establishing or maintaining a service center with any other thrift institution(s) having legal power to do so, through a partnership or other non-corporate arrangement, a not-for-profit corporation, or through capital investment in a service corporation approved under § 545.9–1, if (i) the center is not a profit-making venture (unless incidental to meeting the needs of the participating institutions) and (ii) its investments, costs, and profit or loss in connection with the center are reasonably proportional to those of other users of the center.

(2) Any arrangement shall include a written agreement with the Board by each participating institution and the legal entity, if any, which establishes or maintains the service center that it will (i) maintain records which clearly and fully disclose its operation; (ii) permit and pay the cost of examination and/or audit of the center by the Board's examiners as determined necessary by the Board; and (iii) make available to the Board's examiners upon request, for purposes of examination and/or audit, all records of the center and any participating institution, which, at the time of the request, are physically in the possession of the center.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80–14580 Filed 5–9–80; 8:45 am]

BILLING CODE 6720–01–M

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12 CFR Parts 545 and 561

[No. 80–288]

Investment in Guaranteed Commercial Real Estate Loans

May 5, 1980

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These regulations authorize Federal savings and loan associations to

invest in commercial real estate loans guaranteed under certain programs administered by the Farmers Home Administration, the Small Business Administration, and the Economic Development Administration on terms acceptable to the guaranteeing agency. The Board believes the amendments will permit increased participation by savings and loan associations in programs intended to benefit communities by increasing their commercial vitality.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION, PLEASE CONTACT: John R. Hall, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 (Tel: 202-377-6466).

SUPPLEMENTARY INFORMATION: By Board Resolution No. 80-31, dated January 16, 1980, the Federal Home Loan Bank Board proposed to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding a new § 545.6-14 and revising § 545.6-2(c). The new § 545.6-14 would authorize Federal associations to invest in loans on the security of first liens on other improved real estate (including real estate usable by a business or industrial enterprise or for commercial farming) on terms acceptable to the guaranteeing agency under loan guarantee programs administered by any of the following: (1) The Small Business Administration; (2) the Farmers Home Administration; or (3) the Economic Development Administration. It was proposed to amend § 545.6-2(c) to provide an exception to the general limitations on loans on improved real estate for loans made under new § 545.6-14.

The proposed amendments would also amend Part 561 of the rules and regulations for Insurance of Accounts (12 CFR Part 561) by amending §§ 561.15(b) and 561.17(a) to include as scheduled items only the unguaranteed portion of slow loans which are guaranteed under programs of any of the specified agencies, and to exclude from specified assets the guaranteed portion of all loans guaranteed by such agencies.

The proposed amendments were published in the **Federal Register** January 22, 1980, (45 FR 4361) with an invitation for public comment. Seventeen public comments were received, all of which were favorable to the proposal. On the basis of comments received and all other information available to it, the Board has decided to adopt the amendments as proposed. The Board believes that the changes will permit savings and loan associations to provide additional services to their communities and to compete on a more equal basis with other financial institutions for an additional source of income.

Commenters suggested the following additional amendments in connection with guaranteed commercial loans.

(1) Permit insured institutions to exclude the guaranteed portion of loans made under new § 545.6-14 from the limitations on loans to one borrower.

The Board does not believe that the limitation on loans to one borrower will sufficiently inhibit lending activity under the new authority to justify departure from the Board's policy of discouraging concentration of investment.

(2) Provide a broad definition of attached equipment that may be included in a loan on commercial real estate.

The Board believes that unless problems develop in this area, such a definition is unnecessary and that applicable state law with respect to fixtures will suffice.

(3) Permit loans for working capital and loans secured by equipment.

Under current statutory authority commercial loans by Federal associations must be on the security of real estate.

(4) Include HUD programs with the SBA, EDA, and FmHA guarantee program.

Because HUD does not generally insure commercial real estate loans, the Board does not believe inclusion of HUD along with the other insuring agencies is justified. It is noted that present regulations provide specifically for lending with the benefit of FHA insurance.

Because the Board believes that it is in the public interest to permit, as soon as possible, full participation in the guaranteed loan programs discussed herein, it has determined that publication of the amendments for the time specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to their effective date is contrary to the public interest and that the amendments shall become effective immediately.

Accordingly, the Board hereby amends 12 CFR Parts 545 and 561 by adding a new § 545.6-14 and amending §§ 545.6-2(c), 561.15(b) and 561.17(a) to read as set forth below.

Rules and Regulations for the Federal Savings and Loan System

PART 545—OPERATIONS

1. Amend the last sentence of paragraph (c) of § 545.6-2 to read as follows:

§ 545.6-2 Monthly installment loans.

* * * * *

(c) *Other improved real estate, as defined in paragraphs (a) and (c) of § 541.17.* * * *Loans made under §§ 545.6-8, 545.6-10 and 545.6-14 may be made as provided therein.

2. Add new § 545.6-14 to read as follows:

§ 545.6-14 Loans guaranteed under commercial and industrial development programs.

Without regard to the limitations in § 545.6-2(c), a Federal association may, subject to § 545.8-7, invest in loans on the security of first liens on other improved real estate in its regular lending area, provided the loans are guaranteed by one of the following agencies under authority specified herein, and the loan terms are acceptable to the guaranteeing agency:

(a) Economic Development Administration (under the Public Works and Economic Development Act of 1965, as amended, or the successor to that Act; or the Trade Act of 1974, as amended);

(b) Farmers Home Administration (under the Consolidated Farm and Rural Development Act of 1974, as amended);

(c) Small Business Administration (under the Small Business Investment Act of 1958, as amended; or the Small Business Act of 1953, as amended).

Rules and Regulations for Insurance of Accounts

PART 561—DEFINITIONS

§ 561.15 [Amended]

3. Amend paragraph (b) of § 561.15 by adding at the end thereof, before the period, the following words: "or loans guaranteed under any program qualified under § 545.6-14 of this Chapter."

§ 561.17 [Amended]

4. Amend paragraph (a) of § 561.17 by adding at the end thereof, before the period, the following words: "or which are guaranteed under any program qualified under § 545.6-14 of this Chapter."

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-14576 Filed 5-9-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-WE-33-AD; Amdt. 39-3769]

Airworthiness Directives; McDonnell Douglas DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an airworthiness directive which required visual and X-ray inspections of the aft pressure bulkhead on McDonnell Douglas DC-9 series airplanes with a ventral door. This amendment is necessary to require eddy current inspections and to require inspection and repair of additional crack locations.

DATES: Effective May 15, 1980.

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

ADDRESSES: The applicable service information may be obtained from: MMcDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. Attention: Director of Publications and Training, C1-750 (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Kyle L. Olsen, 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: Airworthiness Directive (AD) 79-21-05 (Amendment 39-3591) was issued after discovery of fatigue cracks in the aft pressure bulkhead on McDonnell Douglas DC-9 airplanes with a ventral door. These cracks are developing prior to the anticipated crack free service life. Subsequent to the issuance of AD-79-21-05 the manufacturer developed additional repair procedures, additional X-ray inspection procedures and eddy current inspection procedures. The FAA has determined that these additional procedures will help to determine crack length and provide additional necessary instructions to the operators. Therefore, AD 79-21-05 is being superseded by this amendment to require that all future inspections be accomplished in accordance with Revision 1 of McDonnell Douglas Service Bulletin 53-137.

Since a situation exists that requires 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, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas DC-9-10, -20, -30, -40, and -50 series airplanes, including C-9 and C-9A, C-9B, and VC-9C airplanes, certificated in all categories, having the cabin aft pressure bulkhead fitted with the ventral door.

Compliance required as indicated, unless already accomplished.

To detect fatigue cracks and prevent possible structural failure of the fuselage cabin aft ventral pressure bulkhead (P/N 5910130 and rework drawings (5924597 and 5924350)) accomplish the following:

(a) For airplanes with 15,000 or more landings, on or after the effective date of this AD, within the next 300 additional landings, or, for airplanes which have been inspected in accordance with AD 79-21-05, at the next inspection scheduled in accordance with AD 79-21-05 after the effective date of this AD, conduct visual, X-ray and eddy current inspections in accordance with the instructions contained in Service Sketches ES2934A, 3015 and 3039 of McDonnell Douglas Service Bulletin 53-137, Revision 1, dated December 6, 1979.

Note.—McDonnell Douglas Service Bulletin 53-137, Revision 1, dated December 6, 1979, is herein referred to as SB 53-137, Revision 1.

(b) If no cracks are found in the bulkhead web and doublers, in the areas of the doorjamb upper LH and RH corners, identified in Figures 1 and 5A of Service Sketch 2934A of SB 53-137, Revision 1, for those corner areas;

(1) At intervals not to exceed 2,000 landings from the last inspection, repeat the visual inspections required by paragraph (a); and

(2) At intervals not to exceed 4,000 landings from the last inspection, repeat the X-ray and eddy current inspections required by paragraph (a).

(c) If cracks are found in the bend radius of the -13 doubler flange, in the areas of the doorjamb upper LH and RH corners, and the cracks do not exceed a combined total of 8.0 inches in length, for either the L. H. or R. H. corner, and there are no radial cracks in the bulkhead web and doublers, including the -13 doubler, before further flight, either

(1) Modify the bulkhead as outlined in SB 53-137, Revision 1, Table III or Table V (Condition I, left side) (Condition II, right side), or (Condition III, left and right hand sides), and for the modified corner area, at intervals not to exceed 4,000 landings repeat the visual, X-ray and eddy current inspections required by paragraph (a); or

(2) Stop drill ends of the cracks (.250 inches diameter), and, at intervals not to exceed 250 lands, repeat the visual, X-ray, and eddy current inspections required by paragraph (a). (If sealant has been used, remove sealant for the purpose of inspections.) Within 1,000 landings after the initial inspection required by paragraph (a), or any crack progression beyond stop drill, whenever noted, accomplish the modification required by paragraph (c)(1).

(d) If radial cracks are found in any of the doublers or bulkhead web in the doorjamb upper RN and/or LH corrners, and

(1) The radial cracks do not exceed 1.5 inches in length with or without cracks in the bend radiusw of the -13 doubler which do not exceed a combined total of 8.0 inches in length, before further flight, either

(i) Modify the bulkhead as outlined in SB 534-137, Revision 1, Table III, (Condition IV, upper LH corner), (Condition V, upper RH corner), or (Condition VI, upper LH and RH corners); and

(ii) For that modified corner area, at intervals not to exceed 4,000 landings, repeat the visual, X-ray, and eddy current inspections required by paragraph (a); or

(iii) Stop drill ends of cracks (.250 inches diameter), and at intervals not to exceed 250 landings, repeat the visual, X-ray, and eddy current inspections required by paragraph (a). (If sealant has been used, remove sealant for the purpose of inspections.) Within 1,000 landings after the initial inspection required by paragraph (a), or any crack progression beyond stop drill, whenever noted, accomplish the modification and inspections required by (d)(2).

(2) The radial cracks do not exceed 3.0 inches in length, or no less than 6.0 inches from the inboard and lower ends of the -75 or -77 doubler, with or without cracks in the bend radius of the -13 doubler which do not exceed a combined total of 8.0 inches in length for either the LH, or RH corner, before further flight,

(i) Modify the bulkhead as outlined in SB 53-137, Revision 1, Table III, (Condition IV, upper LH corner), (Condition V, upper RH corner), or (Condition VI, upper LH and RH corners); and

(ii) For the modified corner area, at intervals not to exceed 4,000 landings from the last inspection, repeat the visual, X-ray, and eddy current inspections required by paragraph (a).

(e) If cracks are found and the cracks exceed the limits specified for either or all the conditions identified in this AD, before further flight; either

(1) Modify the bulkhead as specified in SB 53-137, Revision 1, Table III, (Condition VII, left corner), (Condition VIII, right corner); and, for that modified corner area;

(i) At intervals not to exceed 4,000 landings, repeat the visual inspection required by paragraph (a); and

(ii) At intervals not to exceed 8,000 landings, repeat the X-ray and eddy current inspections required by paragraph (a); or

(2) Repair in the manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) If no cracks are found in the bulkhead web and doublers, in the areas of the doorjamb lower LH and RH corners identified in Figures 1 and 6A of Service Sketch 2934A of SB 53–137, Revision 1, and for those corner areas;

(1) At intervals not to exceed 2,000 landings, repeat the visual inspection required by paragraph (a); and

(2) At intervals not to exceed 4,000 landings, repeat the X-ray and eddy current inspections required by paragraph (a).

(g) If radial cracks are found in the bulkhead web or doublers, in the areas of the doorjamb lower LH and RH corners, identified in Figures 1 and 6A of Service Sketch 2934A of SB 53–137, Revision 1, and those cracks do not extend below the body of the -37 sill, before further flight, either

(1) Modify the bulkhead as outlined in SB 53–137, Revision 1, Table IV, (Condition X, LH side), (Condition XI, RH side), or (Condition XII, LH and RH sides); and

(2) At intervals not to exceed 4,000 landings, repeat the visual, X-ray, and eddy current inspections required by paragraph (a); or

(3) If radial cracks do not exceed 1.0 inch in length, before further flight, stop drill end of cracks (.250 inches diameter), and, at intervals not to exceed 250 landings, repeat the visual, X-ray, and eddy current inspections required by paragraph (a). (If sealant has been used, remove sealant for the purpose of inspections.) Within 1,000 landings after the initial inspection required by paragraph (a), or any crack progression beyond stop drill, whenever noted, accomplish the modification required by paragraph (g)(1).

(h) If cracks are found in the bulkhead web or doublers, in the areas of the doorjamb lower LH and/or RH corners, identified in Service Sketch 2934A of SB 53–137, Revision 1, and extend below the vertical leg of the -37 sill, before further flight;

(1) Replace the cracked part(s) for that modified corner area; and

(2) At intervals not to exceed 4,000 landings, repeat the visual inspection required by paragraph (a); and

(3) At intervals not to exceed 8,000 landings, repeat the X-ray and eddy current inspections required by paragraph (a).

(i) If radial cracks are found in only the bulkhead web (-3 LH; -5 RH side) in the lower LH and/or RH corners, at any or all of the three inboard fastener locations through the -9 and/or -11 channels identified in service sketch 3034 of Service Bulletin 53–137, Revision 1, before further flight;

(1) Modify the bulkhead as specified in Service Bulletin 53–137, Revision 1, Table VI, Condition XIV left side (Condition XV right side), and

(2) For that modified corner area, at intervals not to exceed 4,000 landings, repeat the visual, X-ray and eddy current inspections required by paragraph (a).

(j) For those operators who have accomplished or will accomplish the preventative repairs for Conditions IX and/or XIII as specified in paragraph(s) 2.c and/or 2.j of SB 53–137, Revision 1, on or before the accumulation of an additional 15,000 landings from the accomplishment of these preventative repairs, accomplish the visual, X-ray and eddy current inspections required by paragraph (a), and

(1) At intervals not to exceed 4,000 landings, repeat the visual inspection required by paragraph (a); and

(2) At intervals not to exceed 8,000 landings, repeat the X-ray and eddy current inspections required by paragraph (a).

(k) Previous accomplishment of any rework or inspection(s), or portion(s) thereof, which is outlined in Service Bulletin 53–137, dated June 6, 1979 required by AD 79–21–05 and which is also outlined in Service Bulletin 53–137, Revision 1, or provided for in AD 79–21–05, may be considered an equivalent to that requirement of this AD.

(l) The inspections and modifications required by this AD need not be accomplished if, after the effective date of this AD, the aircraft is operated without cabin pressurization and a placard is installed in the cockpit, in full view of the pilots, stating: "Operation With Cabin Pressurization Is Prohibited."

(m) 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.

(n) 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.

(o) Upon request of operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the initial and repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(p) For purpose of complying with this AD, if records of landings are not available, subject to the acceptance of an assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours' time-in-service by the operator's fleet average time from takeoff to landing for the airplane type.

This supersedes Amendment 39–3591 (44 FR58680), AD 79–21–05.

This amendment becomes effective May 15, 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)); and 14 CFR 11.89)

Issued in Los Angeles, California on April 29, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80–14350 Filed 5–9–80; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–ARM–01]

Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points; Establishment of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a 700′ and 1,200′ transition area at Wahpeton, North Dakota, to provide controlled airspace for aircraft executing the new nondirectional radio beacon (NDB) standard instrument approach procedure developed for the Breckenridge-Wahpeton Interstate Airport, Wahpeton, North Dakota.

EFFECTIVE DATE: 0901 GMT, July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM–500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837–3937.

SUPPLEMENTARY INFORMATION:

History

On Thursday, March 6, 1980, the FAA published for comment (45 FR 14591) a proposal to establish a 700′ and 1,200′ transition area at Wahpeton, North Dakota. Two responses were received as a result. Aircraft Owners and Pilots Association (AOPA) expressed no objections. The Department of the Air Force expressed no objections provided the proposed NDB approach to Breckenridge-Wahpeton Interstate Airport does not conflict with existing military training route IR–603. In consideration of the comments received from the Air Force, it was disclosed that the proposed NDB to Breckenridge-Wahpeton Interstate Airport will not conflict with existing IR–603 as the air traffic control system has the capability to provide necessary separation between users of IR–603 and the proposed NDB.

Rule

This amendment to subpart G of Part 71 of the Federal Aviation Administration (FAR's) establishes a 700′ and 1,200′ transition area at Wahpeton, North Dakota. This amendment is necessary to provide controlled airspace for aircraft executing the new NDB standard instrument approach procedure

developed for the Breckenridge-Wahpeton Interstate Airport.

Drafting Information

The principal authors of this document are Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 GMT, July 10, 1980, as follows:

By amending subpart G, section 71.181 (45 FR 445) so as to establish the following transition area to read:

Wahpeton, North Dakota

That airspace extending upward from 700' above the surface within an 8.5 mile radius of the Breckenridge-Wahpeton Interstate Airport (latitude 46°14'47" N., longitude 96°36'23" W.); and that airspace extending upward from 1,200' above the surface within a 28-mile arc south of the Breckenridge-Wahpeton Interstate Airport bounded on the east by the Minnesota border and on the west by V-181.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(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 Aurora, Colorado on April 30, 1980.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 80-14347 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-64]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near New Richmond, Wisconsin to accommodate a new Non-Directional Radio Beacon (NDB) instrument approach into New Richmond Municipal Airport, New Richmond, Wisconsin (RNH) established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 13111 of the **Federal Register** dated February 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at New Richmond, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 10, 1980, as follows:

In § 71.181 (45 FR 445) the following addition should be made:

New Richmond, Wisconsin

That airspace extending upward from the 700 feet above the surface within a 6.5 statute mile radius of the New Richmond Municipal Airport, New Richmond, Wisconsin (latitude 45°08'46"N, longitude 92°32'29"W), and three statute miles either side of the 314° true bearing from the RNH NDB (latitude 45°08'33"N, longitude 92°32'29"W), extending from the 6.5 statute mile radius area out to 7.5 statute miles, excluding that portion that overlies the Osceola, Wisconsin transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration 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 prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-64, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on April 29, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-14485 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-69]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to reduce the dimensions of controlled airspace near French Lick, Indiana, since the transition area extension on the east is no longer required to encompass the instrument approach procedures established at this airport.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be raised from 700 feet above the surface to 1200 feet above the surface for a distance of approximately

2.5 miles east. The minimum descent altitudes for this airport may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 13110 of the **Federal Register** dated February 28, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area of French Lick, Indiana. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 10, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

French Lick, Ind.

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the French Lick Municipal Airport, French Lick, Indiana (latitude 38°30'26"N, longitude 86°37'59"W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration 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 prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-69, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on April 29, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-14486 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-GL-5]

Alteration of Transition Area and Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Galesburg, Illinois to accommodate revisions to several instrument approach procedures into the Galesburg and Monmouth Airports.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet above the surface for a distance of approximately 3 miles beyond that now depicted. The control zone airspace will be altered by moving the northeast extension approximately two miles east from that now depicted to accommodate a revised procedure to Runway 20 at Galesburg Airport. The development of the proposed procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for these procedures may be established below the floor of the 700 foot controlled airspace at times when the control zone is not effective. In addition, aeronautical maps and charts will reflect the area of the instrument procedures which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 13772 of the **Federal Register** dated March 3, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the transition area and control zone at Galesburg, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 10, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

Galesburg, Ill.

That airspace upward from 700 feet above the surface within a seven (7) mile radius of the Galesburg Municipal Airport, Galesburg, Illinois (latitude 40°56'24"N., longitude 90°25#'46"W); within eight (8) miles each side of the Galesburg VOR 031° radial extending from the VOR to twelve (12) miles north of VOR; within eight (8) miles each side of the Galesburg VOR 199° radial extending from the VOR to twelve (12) miles south of the VOR; within a seven (7) mile radius of the Monmouth (Illinois) Municipal Airport (latitude 40°55'42"N., longitude 90°38'06"W.).

In § 71.171 (45 FR 356) the following control zone is amended to read:

Galesburg, Ill.

Within a five (5) mile radius of the Galesburg Municipal Airport, Galesburg, Illinois (latitude 40°56'24"N.; longitude 90°25'46"W); within two (2) miles each side of the Galesburg VOR 031° radial extending from the five (5) mile radius zone to eight (8) miles north of the VOR; and witin two (2) miles each side of the Galesburg VOR 199° radial extending from the five (5) mile radius zone to eight (8) miles southwest of the VOR. The Control Zone shall be effective during the times established by a Notice to Airmen and published in the "Airport/Facility Directive."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration 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 prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-5, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on April 29, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-14483 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-6]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near London, Ohio, to accommodate a new Non-Directional Radio Beacon (NDB) Runway 8 instrument approach into Madison County Airport, London, Ohio, established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 13777 of the **Federal Register** dated March 3, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at London, Ohio. Interested persons were invited to participate in this ruemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 10, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

London, Ohio

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of Madison County Airport, London, Ohio (latitude 39°56'03"N; longitude 83°27'59"W); within 3 miles each side of the 257° bearing from the Madison County Airport extending from the 5.5 mile radius area to 8 miles southwest of the Airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration 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 prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-6, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on April 29, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-14484 Filed 5-9-80; 8:45]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-7]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Seymour, Indiana, to accommodate a new instrument approach procedure into the Freeman Municipal Airport, Seymour, Indiana, established on the basis of a request from the local airport officials to provide that airport with an additional instrument approach procedure.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Taffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet above the surface for a distance of approximately 7 miles beyond that now depicted. The development of the proposed procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 14591 of the **Federal Register** dated March 6, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Seymour, Indiana. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 10, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

Seymour, Ind.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Freeman Field, Seymour, Indiana (latitude 38°55'36"N., longitude 85°54'20"W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 161° bearing from Freeman Field extending

from the 7-mile radius area to 7½ miles southeast of the airport; and within 3 miles each side of the 225° bearing from Freeman Field extending from the 7-mile radius to 13½ miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration 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 prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-7, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on April 29, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-14479 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-GL-8]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Savanna, Illinois, to accommodate a new Non-Directional Radio Beacon (NDB) instrument approach into Stransky Memorial Airport, Savanna, Illinois, established on the basis of a request from the Stransky Memorial Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 13773 of the **Federal Register** dated March 3, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Savanna, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 10, 1980, as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Savanna, Ill.

That airspace extending upward from seven hundred (700) feet above the surface, within a 9 mile radius of the Stransky Memorial Airport, Savanna, Illinois, (latitude 42°03'00" N, longitude 90°07'00" W)

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration 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 prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-8, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on April 29, 1980.

William S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 80-14480 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 121

[Docket Nos. 14779 and 14324; Amdt. No.121-157]

Flight Attendant Seats

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment to § 121.311(j)(2) of the Federal Aviation Regulations (FAR) extends until July 7, 1980, the date by which a Part 121 certificate holder must submit an acceptable schedule of compliance to justify a request for extension of the compliance period for § 121.311(f) pursuant to the extension procedure in § 121.311(j).

DATES: Effective date: May 6, 1980. Comments by July 7, 1980.

ADDRESS: Comments on this proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204); Docket Nos. 14779 and 14324, 800 Independence Avenue SW., Washington, D.C. 20591,

or delivered in duplicate to:

Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket Nos. 14779 and 14324. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Norman C. Miller, 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 Information

On February 4, 1980, the FAA promulgated Cabin Safety and Flight Attendant Amendments to the FAR. These amendments, in part, require Part 121 certificate holders operating transport category airplanes to meet new equipment requirements for seats, berths, safety belts, and harnesses (Amendment Nos. 25-51 and 121-155; 45 FR 7750; February 4, 1980). New § 121.311(f) requires that after March 6, 1980, no person may operate an airplane under Part 121 unless each flight attendant seat in the passenger compartment used during takeoff and landing meets the airworthiness requirements of revised § 25.785.

Under § 121.311(j), certificate holders may obtain from the Director of Flight

Operations an extension of up to 1 year (to March 6, 1981) of the compliance date in § 121.311(f). To get an extension, certificate holders must: (1) Show that due to circumstances beyond their control, they cannot comply by March 6, 1980; and (2) submit by March 6, 1980, a schedule of compliance acceptable to the Director of Flight Operations, indicating that compliance will be achieved at the earliest practicable date.

After the issuance of these amendments, numerous Part 121 operators advised the FAA that they were having difficulty in submitting a schedule of compliance with the equipment requirements contained in the rule since the information necessary to justify the extensions was not yet available from the appropriate equipment manufacturers and suppliers. Accordingly, on March 6, 1980, the FAA, pursuant to § 121.311(j), extended the compliance dates of § 121.311(f), to March 6, 1981, for operators who requested an extension by March 6, 1980, and showed that due to circumstances beyond their control they could not comply by the specified compliance dates. Each extension was contingent upon each operator submitting an acceptable schedule of compliance to the Director of Flight Operations by May 6, 1980. Although the date of submittal for compliance schedules has already been extended from March 6, 1980, to May 6, 1980, several operators have indicated that the information necessary for them to submit an acceptable schedule of compliance is still not available from the manufacturers. Thus, they stated that they could not meet the May 6, 1980 deadline.

On April 16, 1980, the Air Transport Association of America (ATA) submitted a petition for rule making, in accordance with Part 11 of the FAR, to amend § 121.311(j). This petition has been filed in Docket No. 20289 and is available for inspection in the Rules Docket. The ATA petition contends that all ATA member airlines have requested and received a compliance time extension to March 6, 1981. ATA states its members are unable to provide acceptable schedules of compliance by May 6, 1980, due to uncertainties in the interpretation of the regulation and a lack of information on hardware availability. ATA believes that this information will be available from the manufacturers and that its members can submit meaningful schedules of compliance by July 7, 1980. ATA states that in some cases airlines will require additional time to comply beyond March 6, 1981. The amendment ATA requests would authorize the Director of Flight Operations to issue extensions of the compliance date for § 121.311(f) until not later than March 6, 1982, but would still require compliance at the earliest practicable date. FAA action upon ATA's petition to amend the compliance period in § 121.311(f) will be processed in accordance with the provision of Part 11 of the FAR.

Need for This Regulatory Change

Based upon an analysis of the number of airplanes to which this rule applies applicable to, the unavailability of the hardware needed to complete the required modifications, and the as yet undetermined time required to design, manufacture, and install the necessary equipment on all seats, the FAA recognizes that it will be impossible for many operators to submit realistic compliance schedules by May 6, 1980. In addition, the large variations in hardware changes required by the rule and the lead-times required for the manufacture of that hardware present circumstances beyond the control of individual operators. Therefore, the FAA will extend the date by which compliance plans must be submitted to obtain an extension of the compliance date pursuant to § 121.311(j).

The Amendment

This amendment to § 121.311(j)(2) extends until July 7, 1980, the date by which a Part 121 certificate holder must submit an acceptable schedule of compliance to justify a request for extension of the compliance period of § 121.311(f) pursuant to the extension procedure in § 121.311(j). The amendment requires a certificate holder who wishes an extension of the compliance period for § 121.311(f) to submit a schedule of compliance acceptable to the Director of Flight Operations by July 7, 1980. Consistent with the intent of Amendment 121-155, the FAA reaffirms its policy that any extension granted under this amendment will be based upon FAA judgment as to the completeness of the extension request and the earliest date on which compliance is possible. FAA application of this policy will be guided by the high priority which the agency places upon improving the cabin safety environment for the traveling public and the flight crews and flight attendants serving the public. It must be emphasized that this amendment only affects the date by which extensions may be requested; it does not extend any individual carrier's compliance date. This amendment does not affect denials of extensions already issued under this rule, nor does it apply to any fold-down flight attendant seats mounted on galley partition.

Need for Immediate Adoption

In view of the demonstrated inability of affected operators to submit acceptable schedules of compliance by May 6, 1980, and the consequent ineligibility for compliance period extensions pursuant to § 121.311(j), there is an urgent need for effecting this amendment as soon as possible. Accordingly, I find that notice and public procedure are impracticable and contrary to the public interest.

Comments Requested

Intersted persons are invited to sumit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date for comments specified above will be considered by the Administrator and these amendments may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this invitation to comment must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Nos. 14779 and 14324." The postcard will be date/time stamped and returned to the commenter.

Adoption of the Amendment

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended effective May 6, 1980, as follows:

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

1. By revising § 121.311(j)(2) to read as follows:

§ 121.311 Seats, safety belts, and shoulder harnesses.

* * * * *

(j) * * *

(2) Submits by July 7, 1980, for paragraph (f) and by March 6, 1981, for paragraphs (e) and (h) a schedule for compliance acceptable to the Director of Flight Operations, indicating that compliance will be achieved at the earliest practicable date.

* * * * *

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). In addition, the FAA has determined that the expected impact of the regulation is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on May 6, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-14478 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 231

[Reg. ER-1173; Amendment No. 4 to Part 231]

Transportation of Mail; Mail Schedules; Approval by the General Accounting Office

AGENCY: Civil Aeronatuics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the General Accounting Office has approved the reporting requirements contained in the regulations in Part 231—Transportation of Mail; Mail Schedules. This approval is required under the Federal Reports Act, and was transmitted to the Civil Aeronautics Board by letter dated April 22, 1980.

DATES: Adopted: April 30, 1980. Effective: April 30, 1980.

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

Accordingly, the Civil Aeronautics Board amends Part 231 of its Economic Regulaitons (14 CFR Part 231) by adding the following note at the end of Part 31 to read:

Note.—The reporting requirements contained in §§ 231.1 to 231.7 have been approved by the U.S. General Accounting Office under B-180226 (R0676).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

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

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-14440 Filed 5-9-80; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 249

[Reg. ER-1174, Amdt. No. 30 to Part 249]

Preservation of Air Carrier Accounts, Records and Memoranda; Approval by the General Accounting Office

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the General Accounting Office has approved the recordkeeping requirements contained in the subject regulations in Part 249—Preservation of Air Carrier Accounts, Records and Memoranda. This approval is required under the Federal Reports Act, and was transmitted to the Civil Aeronautics Board by letter dated April 22, 1980.

DATES: Adopted: April 30, 1980. Effective: April 30, 1980.

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

Accordingly, the Civil Aeronautics Board amends Part 249 of its Economic Regulations (14 CFR 249) by revising the note at the end of Part 249 to read:

Note.—The recordkeeping requirements contained in §§ 249.3, 249.7, 249.8, 249.9, 249.11, 249.12, 249.13, 249.23, 249.26 and 249.27 have been approved by the U.S. General Accounting Office under B-180226 (R0295).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR Sec. 385.24(b).

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

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary,

[FR Doc. 80-14441 Filed 5-9-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM80-26; Order No. 82]

Rules of Practice and Procedure; Interlocutory Appeals from Rulings of Presiding Officers

May 2, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: To clarify inconsistent language the Federal Energy Regulatory Commission (Commission) is amending § 1.28 of the rules of practice and procedure (18 CFR 1.28) to provide for interlocutory appeals to the Commission from rulings of presiding officers.

DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: June G. Perin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol St. NE., Room 8000, Washington, D.C. 20426, (202) 357-8457.

SUPPLEMENTARY INFORMATION:

Background

The Federal Energy Regulatory Commission (Commission) is amending § 1.28 of the rules of practice and procedure pertaining to interlocutory appeals to the Commission from rulings of presiding officers. The rule as amended provides for an appeal to the Chairman or a member of the Commission designated by the Chairman ("designated Commissioner"), of a presiding officer's denial of a request to refer a ruling. Upon the designated Commissioner's determination, a matter may be referred to the full Commission for review. The rule, as amended will apply to all on the record proceedings.

Section 1.28(a) as presently written prohibits interlocutory appeals from rulings of presiding officers made during the course of hearings or conferences unless the presiding officer finds that extraordinary circumstances exist and that prompt decision by the Commission is necessary to prevent detriment to the public interest. If the presiding officer makes such a finding, he is required to refer the matter to the Commission immediately.[1] Appeals to the Commission from a presiding officer's denial of a request to refer a ruling are not provided for in § 1.28(a).

However, there is an inconsistency between § 1.28(a) and § 1.28(c). Section 1.28(c) provides that unless the Commission acts within 30 days "* * * upon questions referred by presiding officers to the Commission for determination or upon *appeals* taken to the Commission from rulings of presiding officers * * * *such referrals or appeals* shall be deemed to have been denied." Thus, even though § 1.28(a) proscribes appeals to the Commission unless a referral is made by the

[1] Additionally, under § 1.27(b)(8) a presiding officer may in his discretion, or at the direction of the Commission, certify any question to the Commission for its consideration and disposition. This rulemaking does not affect a presiding officer's, or the Commission's authority, under § 1.27(b)(8).

presiding officer, § 1.28(c) contains a reference to both referrals and appeals.[2] The reference to "appeals" in § 1.28(c) has resulted in a current practice where appeals are directed to the Commission in cases where the presiding officer has not deemed the matter worthy of referral. To a large extent this practice is the result of the inconsistent language between § 1.28 (a) and (c).

The purpose of this rulemaking is to resolve the inconsistency between § 1.28 (a) and (c). The general prohibition against interlocutory appeals remains, but an appeal to the designated Commissioner, of a presiding officer's denial of a request to refer a ruling is provided for. In this case, the appeal will be referred to the Commission only if the applicant demonstrates and the designated Commissioner finds that extraordinary circumstances exist which necessitate prompt Commission review to prevent detriment to the public interest.

By amending § 1.28 in this manner the Commission does not intend to encourage interlocutory appeals. On this point, the Commission affirms its policy that the orderly and expeditious conduct or proceedings is best achieved when the presiding officer controls the course of litigation. As a result, interlocutory appeals or motions which have a similar effect that are filed in a manner not provided for by this rule will not be entertained.

II. Summary of the Amended Regulations

Section 1.28 as amended by this rulemaking, provides that a participant in a proceeding may request the referral to the Commission of a ruling made by the presiding officer during the course of the proceeding. If the presiding officer determines that extraordinary circumstances exist such that prompt Commission review of the contested ruling is necessary to prevent detriment to the public interest or if the ruling of the presiding officer would require that a contested order under § 1.33 not be stayed or that the stay of such order be lifted, immediate referral to the Commission is required. Unless the Commission acts on a matter referred to it by a presiding officer within 15 days, the ruling of the presiding officer will be deemed affirmed.

The presiding officer is required to notify all participants of his determination and of the date of any referral to the commission. If the presiding officer fails to make a determination that prompt Commission review is necessary to prevent detriment to the public interest within 15 days after the receipt of a request, the request will be deemed denied.

Section 1.28 also provides for an appeal to the designated Commissioner of a presiding officer's denial of a request to refer a ruling. The appeal must be filed within 7 days after the date the request is denied or deemed denied and must fully explain: why prompt Commission review is necessary, how the circumstances are extraordinary, and what detriment to the public interest will result if prompt Commission review is denied. In addition, if the presiding office has denied the request either by way of written order or orally, a copy of the order or the relevant portions of the transcript must be filed with the appeal.

In order to facilitate or expedite the review, the designated member may request additional written information from the presiding officer or any participant in the proceeding. Responsive pleadings from participants other than those from whom the designated Commissioner has requested information are not permitted.

Unless the designated Commissioner refers the appeal to the Commission within 7 days after its filing, the contested ruling of the presiding officer will not be reviewed by the Commission until the Commission considers the proceeding with respect to which the ruling was made. A request for information by the designated Commissioner will not serve as a basis for extension of this time period.

If it is determined that extraordinary circumstances exist which necessitate prompt Commission review to prevent detriment to the public interest, the matter will be referred to the Commission. The Secretary is required to notify all participants in the proceeding of any determination to refer to the Commission. Unless the Commission acts within 15 days after receipt of the referral, the ruling of the presiding officer will be deemed affirmed.

As amended, § 1.28 provides that any action taken under this section will not operate to suspend the proceedings unless otherwise ordered by the presiding officer or the designated Commissioner. Finally, the substance of § 1.28(b) pertaining to offers of proof remains unchanged but has been redesignated as § 1.28(f).

Effective Date

The Commission issues this rule effective on June 9, 1980. The rule merely amends the procedures relating to interlocutory appeals from rulings of presiding officers. Since the rule is strictly procedural in nature, Section 553 of the Administrative Procedure Act (5 U.S.C. 553) does not require prior notice and opportunity to comment.

(Natural Gas Act, *as amended* (15 U.S.C. 717, *et seq.*) Federal Power Act, *as amended*, (16 U.S.C. 791, *et seq.*) Interstate Commerce Act, (49 U.S.C. 1, *et seq.*), Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission amends Part 1, Chapter I of Title 18, Code of Federal Regulations as set forth below, effective on June 9, 1980.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURE

1. Section 1.28 is revised to read as follows:

§ 1.28 Interlocutory appeals to the Commission from rulings of presiding officers.

(a) *General rule.* No appeal to the Commission may be taken from a ruling of a presiding officer during the course of a proceeding, except where there has been a determination by the presiding officer in accordance with paragraph (b) of this section, or by a designated Commissioner in accordance with paragraph (c) of this section, that prompt review of the contested ruling by the Commission is necessary to prevent detriment to the public interest. For purposes of this section, "designated Commissioner" means the Chairman or a member of the Commission designated by the Chairman.

(b) *Referral by the presiding officer.* (1) Any participant in a proceeding may, during the course of the proceeding, request the presiding officer to refer to the Commission for review any ruling, made by the presiding officer in the proceeding.

(2) Upon receipt of a request upon paragraph (b)(1) of this section, the presiding officer shall immediately refer the matter to the Commission, if: (i) He determines that extraordinary circumstances exist such that prompt Commission review of the contested ruling is necessary to prevent detriment to the public interest, or (ii) the contested ruling would require that a

[2] Order No. 217, issued November 20, 1959, in Docket No. R-177, amended § 1.18(d) of the rules of practice and procedure to provide for an immediate appeal to the Commission from the rulings of a presiding officer made during conferences. Order No. 217 also amended § 1.28 by adding paragraph (c). In this context the reference to "appeals" in paragraph (c) was appropriate. However, in Order No. 273, issued November 12, 1968, in Docket No. R-351, the immediate appeal provision of § 1.18(d) was deleted but the reference to "appeals" contained in § 1.28(c) was not.

contested order under § 1.38 of this Part not be stayed or that the stay of such order be lifted.

(3) The presiding officer shall notify all participants in the proceeding of his determination under paragraph (b)(2) of this section, including the date of any referral to the Commission.

(4) If the presiding officer fails to make a determination under paragraph (b)(2)(i) of this section within 15 days after receipt of a request under paragraph (b)(1) of this section, the request shall be deemed denied.

(c) *Appeal of a presiding officer's determination that prompt Commission review is not necessary.*

(1) If a request under paragraph (b)(1) of this section is denied or deemed denied the participant making the request may, in accordance with this paragraph, appeal the denial to the designated Commissioner.

(2) An appeal under paragraph (c)(1) of this section must be submitted within 7 days after the request under paragraph (b) of this section is denied or deemed denied. The appeal shall state the reasons why prompt Commission review is necessary, explaining how the circumstances are extraordinary and describing the detriment to the public interest which will result if prompt Commission review is denied. If the presiding officer has denied the request either by way of written order or orally, a copy of the order or the relevant portions of the transcript shall be filed with the appeal.

(3) The designated Commissioner may request in writing additional information from the presiding officer or any participant in the proceeding. Such request and any response thereto shall be served on all participants in the proceeding.

(4) The designated Commissioner shall refer the appeal to the Commission only if he determines that extraordinary circumstances exist which would necessitate prompt Commission review to prevent detriment to the public interest. Unless such a determination is made within 7 days after filing the appeal, the appeal will not be referred to the Commission and the contested ruling of the presiding officer shall not be reviewable by the Commission prior to the time the Commission considers the proceeding with respect to which the ruling was rendered.

(5) The Secretary shall notify all participants in the proceeding of any determination under paragraph (c)(4) of this section to refer an appeal to the Commission.

(d) *Commission action.* Unless the Commission acts upon a matter referred to it by a presiding officer under paragraph (b) of this section, or by the designated Commissioner under paragraph (c), within 15 days after the date of the referral the ruling of the presiding officer shall be deemed to be affirmed.

(e) *Continuation of proceeding.* A referral by a presiding officer, or request therefore, under paragraph (b) or appeal under paragraph (c) of this section shall not suspend the proceeding unless otherwise ordered by the presiding officer or the designated Commissioner.

(f) *Offers of proof.* Any offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

[FR Doc. 80-14436 Filed 5-9-80; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 888-80]

Organization of the Department of Justice; Establishment of Executive Office for U.S. Trustees

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order establishes the Executive Office for United States Trustees and defines its functions.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Richard L. Levine, Director, Executive Office for United States Trustees, Department of Justice, Washington, D.C. 20530, (202) 633-5122.

SUPPLEMENTARY INFORMATION: Section 224(a) of the Bankruptcy Reform Act of 1978, Pub. L. 95-598, 92 stat. 2662 *et seq.* adds Chapter 39 to Title 28, U.S. Code. That Chapter of the Code pertains to United States Trustees. Section 586(c) of Title 28, as added, provides, "Each United States Trustee shall be under the general supervision of the Attorney General, who shall provide general coordination and assistance to the United States Trustees." This order establishes the office in the Department of Justice with primary responsibility for assisting the Attorney General to discharge these functions.

By virtue of the authority vested in me by 28 U.S.C. §§ 509, 510 and section 224(a) of the Bankruptcy Reform Act of 1978, Pub. L. 95-598, 92 Stat. 2662 *et seq.* (adding, *inter alia,* section 586(c) to Title 28, U.S. Code) it is hereby ordered as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. Section 0.1 of Subpart A, Part 0, Chapter I of Title 28, Code of Federal Regulations is amended by adding, under the heading "Offices," "Executive Office for United States Trustees" after "Executive Office for United States Attorneys."

2. Subpart G-1 is added to Part 0, Chapter I of Title 28, Code of Federal Regulations as follows:

Subpart G-1—Executive Office for United States Trustees

Sec.
0.37 Organization.
0.38 Functions.

Authority: 28 U.S.C. 509, 510 and sec. 224(a) of the Bankruptcy Reform act of 1978, Pub. L. 95-598, 92 Stat. 2662 et seq. (adding, inter alia, 28 U.S.C. 586(c).

Subpart G-1—Executive Office for United States Trustees

§ 0.37 Organization.

The Executive Office for United States Trustees shall be headed by a Director appointed by the Attorney General. The Director shall be subject to the general supervision and direction of the Attorney General or, whenever appropriate, the Associate Attorney General.

§ 0.38 Functions.

The Director shall have responsibility for assisting the Attorney General to supervise and provide general coordination and assistance to United States Trustees. The Director shall perform such duties relating to such functions and others under the Bankruptcy Reform act of 1978 as may be assigned by the Attorney General or, whenever appropriate, the Associate Attorney general.

Dated: May 1, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-14594 Filed 5-9-80; 8:45 am]
BILLING CODE 4410-01M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Naval Restricted Area, Puget Sound, Wash.; Navigation Regulations

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is establishing an operational restricted zone in the vicinity of the Naval Undersea Warfare Engineering Station, Indian Island Annex, Ammunition Pier, Port Townsend, Puget Sound, Washington. The purpose of this restricted area is to prevent private and commercial activities from creating a potential safety hazard during ammnition handling operations at the pier.

EFFECTIVE DATE: June 2, 1980.

ADDRESS: Office of the Chief of Engineers, ATTN: DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202) 272–0200.

SUPPLEMENTARY INFORMATION: On February 12, 1980, the Corps of Engineers published a proposed regulation under 33 CFR 207.750(p) in the Notice of Proposed Rulemaking section of the Federal Register (45 FR 9296). These regulations establish a restricted area in the vicinity of the Indian Island Ammunition Pier, Puget Sound, Washington. We received one comment, which was from the National Ocean Survey concerning an error in the coordinates defining the boundaries of the restricted area. We have corrected the coordinates and accordingly, the Department of the Army is establishing regulations in 33 CFR 207.750(p) as set forth with the change below.

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044, Improving Government Regulations (43 FR 12661, 24 March 1978).

(40 Stat. 266 (33 U.S.C. 1)).

Dated: April 18, 1980.

Michael Blumenfeld,

Assistant Secretary of the Army (Civil Works).

33 CFR 207.750 is amended by adding a new paragraph (p) to read as follows:

§ 207.750 Pugent Sound Area, Washington.

* * * * *

(p) Port Townsend, Indian Island, Walan Point, Naval Restricted Area—

(1) *The area.* The waters of Port Townsend bounded by a line commencing on the north shore of Walan Point at latitude 48°04'41"N. longitude 122°44'26"W; thence to latitute 48°04'46"N, longitude 122°44'53"W; thence to latitute 48°04'19"N, longitude 122°45'05"W; thence to latitude 48°04'15"N, longitude 122°44'48"W thence to a point on the Walan Point shore line at latitude 48°04'18"N, longitude 122°44'48"; and thence along the shoreline to the point of beginning. This line is located approximately 200 yards from the face and ends of the pier.

(2) *This regulation.* No vessel shall enter this area without permission from the Commandant, Thirteenth Naval District, or his authorized representative. This restriction shall apply during periods when ship loading and/or pier operations preclude safe entry. These periods will be identified by flying a red flag from the ship and/or pier. A yellow flag will be displayed 24 hours in advance of the restricted periods.

[FR Doc. 80–14475 Filed 5–9–80; 8:45 am]

BILLING CODE 3710–92–M

VETERANS ADMINISTRATION

38 CFR Part 21

Education Benefits; Suspension of Educational Assistance Allowance Payments

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These regulations eliminate any implication that the Veterans Administration would subsequently have to release educational assistance payments it had suspended when the basis for the suspension is later affirmed.

State approving agencies may suspend the approval of a course for new enrollments if evidence exists that the course fails to meet a requirement for approval. Similarly, the law gives the authority to suspend or discontinue payments under certain conditions. A suspension would be pointless if, when a discontinuance follows the suspension, suspended payments had to be released.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, Washington DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 5350–5351 of the Federal Register of January 23, 1980, there was published proposed amendments to 38 CFR 21.4008, 21.4133, 21.4134, 21.4135, 21.4207 and 21.4252.

Interested persons were given 30 days to submit comments, suggestions or objections. We received no comments, suggestions or objections. The proposed amendments to §§ 21.4008, 21.4133, 21.4134, 21.4135, 21.4207 and 21.4252 are adopted without change. The final amendments are set forth below.

Approved: May 5, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

§ 21.4008 [Amended]

1. Section 21.4008 is amended by deleting the words "withheld pending resolution" and inserting the words "suspended pending resolution."

2. Sections 21.4133 and 21.4134 are revised to read as follows:

§ 21.4133 Notification of suspension or discontinuance.

Any eligible veteran or eligible person whose payments are suspended or discontinued pursuant to § 21.4134 or 21.4135 shall concurrently receive written notice of the suspension or discontinuance from the Veterans Administration. The notice shall state the reasons for the suspension or discontinuance of payments, and shall notify the veteran or eligible person that he or she has a right to a hearing and to present evidence why payments should not be discontinued or suspended. (38 U.S.C. 1790(b))

§ 21.4134 Suspension and discontinuance.

Notwithstanding the approval of a course by a State approving agency, educational assistance may be discontinued if it is determined that the course of education in which the individual is enrolled fails to meet, or the school has violated, any of the requirements of chapters 34, 35, or 36. Where preliminary evidence indicates that it would be to the best interests of the Government, the station head may suspend further payments to persons enrolled in the school until a determination has been made as to whether approval should be withdrawn and whether overpayments exist. Payments will be released promptly whenever the facts developed justify such action. See § 21.4135(k). (38 U.S.C. 1790)

3. In § 21.4135, paragraphs (f), (j) and (k) are revised to read as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(f) *Discontinued by Veterans Administration (§§ 21.4134 and 21.4207).* (1) Date on which payments first were suspended by the Director of a Veterans Administration field station as provided in § 21.4134, if discontinuance was preceded by such a suspension. (38 U.S.C. 1790)

(2) End of the month in which the decision to discontinue, made by the Veterans Administration pursuant to § 21.4134 or 21.4207, is effective, if the Director of a Veterans Administration field station did not suspend payments prior to the discontinuance. (38 U.S.C. 1790)

* * * * *

(j) *Disapproval by State approving agency (§ 21.4259(a)).* (1) Date on which payments first were suspended by the Director of a Veterans Administration field station as provided in § 21.4134, if disapproval was preceded by such a suspension. (38 U.S.C. 1772(a), 1790)

(2) End of the month in which disapproval is effective or notice of disapproval is received in the Veterans Administration, whichever is later, provided that the Director of a Veterans Administration field station did not suspend payments prior to the disapproval. (38 U.S.C. 1772(a), 1790)

(k) *Disapproval by Veterans Administration (§§ 21.4134, 21.4207, 21.4259(c)).* (1) Date on which payments first were suspended by the Director of a Veterans Administration field station as provided in § 21.4134 if disapproval was preceded by such a suspension. (38 U.S.C. 1771(b), 1772(a), 1790)

(2) End of the month in which disapproval occurred, provided that the Director of a Veterans Administration field station did not suspend payments prior to the disapproval. (38 U.S.C. 1771(b), 1772(a), 1790)

* * * * *

4. In § 21.4207, paragraph (e), and the caption are revised to read as follows:

§ 21.4207 Failure of school to meet requirements.

* * * * *

(e) *Effective date.* If the decision of the field station or of Central Office includes disapproving the school for the enrollment of any veteran or eligible person not already enrolled in the school, all enrollments which begin after the effective date of the decision shall be disapproved. If the decision includes discontinuing payments of educational assistance allowance to veterans and eligible persons, the effective date of the discontinuance shall be determined by § 21.4135. The effective date for decisions of the field station or of Central Office will be determined as follows:

(1) In all instances when, on the date a decision is reached by a field station or Central Office, no payments are being made to persons enrolled in the school because the Director of the field station has suspended the payments as provided by § 21.4134, and the decision results in the discontinuance of educational assistance to veterans and eligible persons, the effective date of the decision will be the date the Director first suspended payments unless the decision specifically provides for a later date.

(2) When the effective date of a field station or Central Office decision is not determined by paragraph (e)(1) of this section it shall be:

(i) The date the Director of the field station of jurisdiction approves the unanimous decision of the Committee on Educational Allowances, if no review by Central Office is required;

(ii) The date the Director of the field station of jurisdiction originally approved the recommendation of the Committee on Educational Allowances, if the decision is reviewed by Central Office, pursuant to paragraph (d) of this section, and approved;

(iii) The date the Director of the field station of jurisdiction originally approved the recommendation of the Committee on Educational Allowances, if the decision is reviewed by Central Office, pursuant to paragraph (d) of this section, and the station's decision is reversed by a Central Office decision; or

(iv) The date of receipt by the field station of the decision of Central Office rendered pursuant to paragraph (c) of this section. See § 21.4208. (38 U.S.C. 1790)

5. In § 21.4252, paragraph (k) is added to read as follows:

§ 21.4252 Courses precluded.

* * * * *

(k) *Courses with suspended approval.* When a State approving agency has suspended the approval of a course for new enrollments, new enrollments in the course shall not be approved until the suspense is lifted. If the State approving agency does not lift the suspense, but disapproves the course instead, new enrollments beginning on or after the date the suspense was effective shall not be approved. See § 21.4259. (38 U.S.C. 1772(a))

[FR Doc. 80-14592 Filed 5-9-80; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 36

Holders' Acceptance of Partial Payments on VA Guaranteed and Insured Home, Mobile Home and Vendee Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulations to define circumstances in which holders of VA loans (guaranteed and insured home loans, mobile home loans, and sold vendee loans) will be required to accept partial payments when such loans are in default. Heretofore, as a matter of policy, the VA has encouraged holders to accept partial payments submitted by borrowers attempting to cure loans in default. These regulations are intended to reiterate that policy in regulatory form; therefore, henceforth holders will be required to accept partial payments on loans in default if the circumstances of the default and related aspects meet the criteria set forth in the regulations. These amendments are necessary to give holders of VA loans guidelines which will govern their actions upon receipt of partial payments from obligors. These regulations should also allow veterans and other obligors in certain circumstances to bring their loans current through the making of partial payments on their loans of more than one installment but less than the full amount due under the terms of the security instruments for a period of time. These amendments to the regulations shall be applicable to such loans previously guaranteed or insured to the extent that no legal rights vested thereunder are impaired.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond L. Brodie, Assistant Director for Loan Management (261), Department of Veterans Benefits, Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, 202-389-3668.

SUPPLEMENTARY INFORMATION: The VA is amending its mobile home § 36.4200 series, home § 36.4300 series, and vendee loan § 36.4600 regulations by inserting a new requirement in each part governing holders' acceptance of partial payments. These regulations were published as proposed regulations for comment on November 16, 1979 (44 FR 65997). A partial payment is a payment remitted by an obligor in any amount less than the full amount due under the terms of the loan and security

instruments in effect at the time the payment is tendered. A loan default is a failure of the obligor to comply with the terms of the loan agreement. Generally, a default occurs because of the obligor's failure to make loan payments in accordance with the loan agreement. However, a default also can occur through failure of the obligor to fulfill other obligations such as the proper payment to the lender of funds sufficient to cure an escrow shortage. These regulations specifically address the question of the holder's acceptance of a partial loan payment which is for more than one installment payment but less than the entire amount then due under the terms of the loan agreement.

The regulations require holders' acceptance of partial loan payments under certain circumstances while allowing holders to accept or return partial payments in other circumstances. A holder who fails to accept a partial payment on a guaranteed or insured home loan or mobile home loan when required to do so could partially or totally lose VA loan guaranty under § 36.4325 (home loans) or § 36.4286 (mobile home loans). A failure by a holder to accept a partial payment on a VA vendee loan when required to do so by this regulation could result in a deduction in the holder's repurchase price under section 36.4600(e)(1).

As noted above, these regulations were published requesting public comment on November 16, 1979 (44 FR 65997). Eight comments were received. Two commentators were completely favorable to the proposals. One commentator, while questioning the need for the regulations, endorsed the regulations as the best possible approach. One commentator suggested that the regulations be amended to authorize the return of any partial payment on a loan four or more months' past due received 14 days after the holder has mailed to the obligor a statement of the full amount due and that no partial payment would be acceptable after the specified date. VA has not adopted this suggestion because the regulation as proposed affords significant protections for the holder's right to terminate the loan, including the right to request a waiver from the Administrator of the obligation to accept a partial payment. The fifth commentator favored a provision which stated that any partial payment could be returned if the mortgage was more than 45 days' delinquent, and the obligor had not responded to any collection efforts. This suggestion is too inflexible, and therefore the regulations have not been amended to incorporate this provision. The sixth commentator noted that the regulations do not indicate the procedures to be used by the holder to obtain the express waiver in order to return a partial payment otherwise required to be accepted. This commentator raises a good point. However, the mechanics for obtaining a waiver are more appropriate in a release to VA regional offices, lenders, holders and other program participants. The VA will therefore release instructions immediately to the regional offices and program participants concerning the implementation of this new regulation, including waiver procedures. The seventh commentator suggested that VA implement its concept concerning partial payments other than by amending the Loan Guaranty regulations. However, we believe amendments to the regulations are necessary to assure holder acceptance of certain partial payments. These regulations also are necessary to enable the Administrator to adjust any claim under the loan guaranty for the holder's failure to properly accept partial payments submitted by the debtor. A final commentator suggested that the regulations would impose added costs on the holder by requiring additional accounting procedures or loan servicing efforts. Any extra costs to holders will be more than offset by the income produced through successful reinstatement of loans previously in default. When a loan is successfully reinstated, the holder, the Government and, most importantly, the homeowner benefit.

Lastly, as oral repayment plans could foster misinterpretations, and their terms could not be verified, the references to oral plans originally included in the proposed §§ 36.4275(f), 36.4315(b) and 36.4600(c)(15) have been deleted.

Accordingly, §§ 36.4275(f) and 36.4600(c)(15) are added and § 36.4315(b) of Title 38, Code of Federal Regulations is amended to incorporate partial payment provisions and requirements in the home, mobile home and vendee loan regulations.

Sections 36.4316, 36.4318, 36.4319 and paragraph (c) of § 36.4600 also are amended to reflect the agency policy of using precise terms to denote gender. Paragraphs (a) and (b) of § 36.4315 are redesignated as subparagrphs (1) and (2) of paragraph (a).

These amendments are adopted under authority of sections 210(c), 1803(c)(1), 1819(g), and 1820 of title 38, United States Code.

Approved: May 5, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

PART 36—LOAN GUARANTY

1. In § 36.4275, the headnote is amended and paragraph (f) is added so that the amended and added material reads as follows:

§ 36.4275 Events constituting default and acceptability of partial payments.

* * * * *

(f) A partial payment is a remittance on a loan in default (as defined in § 36.4202(c)) of any amount less than the full amount due under the terms of the loan and security instruments at the time the remittance is tendered.

(1) Except as provided in paragraph (f)(2) of this section, or upon the express waiver of the Adminstrator, the holder shall accept any partial payment and either apply it to the obligor's account or identify it with the obligor's account and hold it in a special account pending disposition. When partial payments held for disposition aggregate a full monthly installment, including escrow, they shall be applied to the obligor's account.

(2) A partial payment may be returned to the obligor within 10 calendar days from date of receipt of such payment, with a letter of explanation only if one or more of the following conditions exist:

(i) The property is wholly or partially tenant-occupied and rental payments are not being remitted to the holder for application to the loan account;

(ii) The payment is less than one full monthly installment, including escrows and late charge, if applicable, unless the lesser payment amount has been agreed to under a written repayment plan;

(iii) The payment is less than 50 percent of the total amount then due, unless the lesser payment amount has been agreed to under a written repayment plan;

(iv) The payment is less than the amount agreed to in a written repayment plan;

(v) The amount tendered is in the form of a personal check and the holder has previously notified the obligor in writing that only cash or certified remittances are acceptable;

(vi) A delinquency of any amount has continued for at least 6 months since the account first became delinquent and no written repayment plan has been arranged;

(vii) Foreclosure and/or repossession has been commenced by the taking of the first action required for foreclosure/repossession under local law;

(viii) The holder's lien position would be jeopardized by acceptance of the partial payment.

(3) A failure by the holder to comply with the provisions of this paragraph may result in a partial or total loss of guaranty or insurance pursuant to § 36.4286(b), but such failure shall not constitute a defense to any legal action to terminate the loan. (38 U.S.C. 1819(g))

2. Section 36.4315 is revised to read as follows:

§ 36.4315 Notice of default and acceptability of partial payments.

(a) *Reporting of defaults.* The holder of any guaranteed or insured loan shall give notice to the Administrator within 45 days after any debtor:

(1) Is in default by reason of nonpayment of any installment for a period of 60 days from the date of first uncured default (see § 36.4301(f)); or

(2) Is in default by failing to comply with any other covenant or obligation of such guaranteed or insured loan which failure persists for a continuing period of 90 days after demand for compliance therewith has been made, except that if the default is due to nonpayment of real estate taxes, the notice shall not be required until the failure to pay when due has persisted for a continuing period of 180 days.

(b) *Partial payments.* A partial payment is a remittance on a loan in default (as defined in § 36.4301(g)) of any amount less than the full amount due under the terms of the loan and security instruments at the time the remittance is tendered.

(1) Except as provided in paragraph (b)(2) of this section, or upon the express waiver of the Administrator, the mortgage holder shall accept any partial payment and either apply it to the mortgagor's account or identify it with the mortgagor's account and hold it in a special account pending disposition. When partial payments held for disposition aggregate a full monthly installment, including escrow, they shall be applied to the mortgagor's account.

(2) A partial payment may be returned to the mortgagor, within 10 calendar days from date of receipt of such payment, with a letter of explanation only if one or more of the following conditions exist:

The property is wholly or partially tenant-occcupied and rental payments are not being remitted to the holder for application to the loan account;

(ii) The payment is less than one full monthly installment, including escrows and late charge, if applicable, unless the lesser payment amount has been agreed to under a written repayment plan;

(iii) The payment is less than 50 percent of the total amount then due, unless the lesser payment amount has been agreed to under a written repayment plan;

(iv) The payment is less than the amount agreed to in a written repayment plan;

(v) The amount tendered is in the form of a personal check and the holder has previously notified the mortgagor in writing that only cash or certified remittances are acceptable;

(vi) A delinquency of any amount has continued for at least 6 months since the account first became delinquent and no written repayment plan has been arranged;

(vii) Foreclosure has been commenced by the taking of the first action required for foreclosure under local law;

(viii) The holder's lien position would be jeopardized by acceptance of the partial payment.

(3) A failure by the holder to comply with the provisions of this paragraph may result in a partial or total loss of guaranty or insurance pursuant to § 36.4325(b), but such failure shall not constitute a defense to any legal action to terminate the loan. (38 U.S.C. 1803(c)(1))

3. In § 36.4316, paragraph (a) is revised (gender changes only) as follows:

§ 36.4316 Continued default.

(a) In the event any failure of the debtor to discharge the debtor's obligations under the loan continues for a period of 3 months, or for more than 1 month on an extended loan or on a term loan, the holder may at the holder's option then or thereafter, submit a claim for payment of the guaranty. The holder may also then or thereafter give the notice prescribed in § 36.4317.

* * * * *

§ 36.4318 [Amended]

5. Section 36.4318 is amended by deleting the words "by him" and inserting the words "by the Administrator" in the first sentence of paragraph (a).

§ 36.4319 [Amended]

5. Section 36.4319 is amended by deleting the words "his behest" and "he has" and inserting the words "the holder's behest" in the first sentence and "the holder has" in the last sentence of paragraph (b) and by deleting the words "his appearance" and inserting the words "the Administrator's appearance" in paragraph (c).

6. Section 36.4600 is amended as follows:

(a) By deleting the words "his discretion" and inserting the words "the holder's discretion" in the first sentence of paragraph (c)(3) and by deleting the words "he may" and "his determination" and inserting the words "the Administrator may" and "Administrator's determination" in paragraph (c)(11).

(b) By adding paragraph (c)(15) to read as follows:

§ 36.4600 Sale of loans, guarantee of payment.

* * * * *

(c) The holder of each loan sold subject to guaranty shall be deemed to have agreed with the Administrator as follows:

* * * * *

(15) To dispose of partial payments in accordance with the provisions of this subparagraph. A partial payment is a remittance on a loan in default of any amount less than the full amount due under the terms of the loan and security instruments at the time the remittance is tendered; a default is a failure of a borrower to comply with the terms of a loan agreement.

(i) Except as provided in paragraph (c)(15)(ii) of this section, or upon the express waiver of the Administrator, the mortgage holder shall accept any partial payment and either apply it to the mortgagor's account or identify it with the mortgagor's account and hold it in a special account pending disposition. When partial payments held for disposition aggregate a full monthly installment, including escrow, they shall be applied to the mortgagor's account.

(ii) A partial payment may be returned to the mortgagor, within 10 calendar days from date of receipt of such payment, with a letter of explanation only if one or more of the following conditions exist:

(*a*) The property is wholly or partially tenant-occupied and rental payments are not being remitted to the holder for application to the loan account;

(*b*) The payment is less than one full monthly installment, including escrows and late charge, if applicable, unless the lesser payment amount has been agreed to under a written repayment plan;

(*c*) The payment is less than 50 percent of the total amount then due, unless the lesser payment amount has been agreed to under a written repayment plan;

(*d*) The payment is less than the amount agreed to in a written repayment plan;

(*e*) The amount tendered is in the form of personal check and the holder has previously notified the mortgagor in

writing that only cash or certified remittances are acceptable;

(*f*) A delinquency of any amount has continued for at least 6 months since the account first became delinquent and no written repayment plan has been arranged.

(*g*) The loan has been submitted to the Veterans Administration for repurchase;

(*h*) The lien position of the security instrument would be jeopardized by acceptance of the partial payment.

(iii) A failure by the holder to comply with the provisions of this subparagraph may result in a deduction from the repurchase price pursuant to paragraph (e)(1) of this section. (38 U.S.C. 1820)

(38 U.S.C. 210(c), 1803(c)(1), 1819(g), 1820)

[FR Doc. 80-14593 Filed 5-9-80; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Office of Water Research and Technology

41 CFR Part 14R-9

Patents, Data and Copyrights

AGENCY: Department of the Interior.

ACTION: Final Regulations.

SUMMARY: This part sets forth the finalized policies, procedures, and practice of the Office of Water Research and Technology (OWRT) in connection with inventions, patents, technical data, and copyrights. This rulemaking is set forth because of revised policies caused by statutory changes.

DATE: Effective date May 12, 1980.

ADDRESS: Donald A. Gardiner, Assistant Solicitor, Branch of Patents, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Gersten Sadowsky and Donald A. Gardiner, telephone: (202) 343-4471.

SUPPLEMENTARY INFORMATION: These regulations make minor changes to proposed regulations of the Office of Water Research and Technology (OWRT) on Patents, Data and Copyrights which were published in the **Federal Register** of July 5, 1979 (44 FR 39201-39230). The proposed regulations, as amended by this issuance, are now adopted as a final rule. Based on the comments received and OWRT's operating experience under the proposed regulations, these OWRT regulations for Patents, Data and Copyrights are finalized and published for effect substantially as proposed.

There was an absence of public comment on the proposed regulations, but governmental comment was received and considered. A lack of public response could be due to the close correspondence between Interior's proposed regulations and the Energy Research and Develoment Administration (ERDA), now the Department of Energy, patents, data, and copyrights regulations, in 41 CFR 9-9. ERDA's regulations were published as a proposal for public comment on October 15, 1975 (40 FR 48363), at which time the public had fully exercised the opportunity provided to comment on such regulations.

The revisions presently made to 41 CFR 14R-9 are to correct typographical errors in the proposed regulations, and to clarify a definition of technical data in 14R-9.201(a) and 14R-9.202-3(e)(2), under its clause, subparagraph (a)(1), by supplementing the examples thereof.

The primary author of this document is Gersten Sadowsky, Branch of Patents, Office of the Solicitor, Department of the Interior, telephone (202) 343-4471.

The Department of the Interior has determined that this is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.

Dated: May 1, 1980.

William L. Kendig,

Deputy Assistant Secretary—Policy, Budget and Administration, Department of the Interior.

Title 41 CFR is amended by revising Part 14R-9 to read as follows:

PART 14R-9—PATENTS, DATA, AND COPYRIGHTS

Sec.
14R-9.000 Scope of part.

Subpart 14R-9.1—Patents

14R-9.100 Scope of subpart
14R-9.101 Contracting Officer to consult with Solicitor.
14R-9.102 Authorization and consent.
14R-9.102-1 Authorization and consent for supplies or services.
14R-9.102-2 Authorization and consent in contracts for research and development or demonstration.
14R-9.103 Patent indemnification of Government by contractor.
14R-9.103-1 Patent indemnification in formally advertised contracts—commercial status predetermined
14R-9.103-2 [Reserved.]
14R-9.103-3 Patent indemnification in negotiated contracts.
14R-9.103-4 Waiver of indemnity by the Government.
14R-9.104 Notice and assistance.
14R-9.105 [Reserved.]
14R-9.106 [Reserved.]
14R-9.107 Patent rights under contracts for research, development, and demonstration, and under special contracts.
Sec.
14R-9.107-1 General
14R-9.107-2 [Reserved.]
14R-9.107-3 Policy.
14R-9.107-4 Procedures.
14R-9.107-5 Clause for contracts (long form).
14R-9.107-6 Clause for contracts (short form).
14R-9.107-7 Foreign contracts.
14R-9.108 [Reserved.]
14R-9.109 Administration of patent clauses.
14R-9.109-1 Patent rights follow-up.
14R-9.109-2 Follow-up by contractor.
14R-9.109-3 Follow-up by Government.
14R-9.109-4 Remedies.
14R-9.109-5 Conveyance of invention rights acquired by the Government.
14R-9.109-6 Waivers.
14R-9.110 Reporting of royalties.

Subpart 14R-9.2—Technical Data and Copyrights

14R-9.200 Scope of subpart.
14R-9.201 Definitions.
14R-9.202 Acquisition and use of technical data.
14R-9.202-1 General.
14R-9.202-2 Policy.
14R-9.202-3 Procedures.
14R-9.202-4 Procedures (Government-owned, contractor operated facilities).
14R-9.202-5 Negotiations and deviations.

Authority.—5 U.S.C. 1976 ed., sec. 301; sec. 2, Reorganization Plan No. 3 of 1950, 15 FR 3174; 42 U.S.C. sec. 7879.

§ 14R-9.000 Scope of part.

This part sets forth policies, instructions, and contract clauses pertaining to patents, data, and copyrights in connection with the procurement of supplies and services.

Subpart 14R-9.1—Patents

§ 14R-9.100 Scope of subpart.

This subpart sets forth policies, procedures, and contract clauses with respect to inventions made or utilized in connection with any contracts, grants, agreements, understandings, or other arrangements entered into with or for the benefit of OWRT. OWRT's primary mission in its R&D procurement process is not oriented toward procurement for Government use, but rather toward the development and ultimate utilization of methodologies and technologies to assure efficient sources of water and water resources. OWRT must work in cooperation with industry in the development of new water sources and resources and in achieving a goal of widespread commercial use. To this end, Congress has provided OWRT with an array of incentives to secure the adoption of new technology developed for OWRT. An important incentive in commercializing technology is that provided by the patent system. As set forth in these regulations, patent incentives, including the Secretary of the Interior's authority to waive the

Government's patent rights to the extent provided for by the statute, will be utilized in appropriate situations to encourage industrial participation, foster commercial utilization and competition, and make the benefits of OWRT's activities widely available to the public. In addition to considering the waiver of patent rights at the time of contracting, OWRT will also consider the incentive of a waiver of patent rights upon the reporting of an identified invention when requested by the contractor, or the employee-inventor with the permission of the contractor. These requests can be made whether or not a waiver request was made at the time of contracting. Waivers for an identified invention will be provided where it is determined that the patent waiver will be a real incentive to achieving the development and ultimate commercial utilization. Where a waiver of Government patent rights is granted, either at the time of contracting or upon request after an invention is made, certain safeguards will be required by OWRT to protect the public interest.

§ 14R-9.101 Contracting Officer to consult with Solicitor.

(a) Except as is otherwise provided in this subpart, all authority of the Secretary of the Department of the Interior with respect to patent policies and procedures has been delegated to the Solicitor of the Department (Departmental Manual, Part 210, Chapter 2, paragraph 210.2.2A(5)). Therefore, any action under any contract provision required of the Contracting Officer (or other official having administrative authority over the contract) which affects the disposition of rights in inventions and in related area of data, shall be taken only after consultation with and approval of the Solicitor of the Department. No modification or alteration of any contract provision in these areas shall be made by the Contracting Officer without the express written authorization of the Solicitor. Requests for deviation shall be submitted to the Solicitor and the reasons for the actions requested set forth.

(b) The Office of the Solicitor shall be consulted for policies, instructions, and contract clauses concerning inventions, patents, and data for use in contracts which are to be performed outside the United States, its possessions, and Puerto Rico.

§ 14R-9.102 Authorization and consent.

(a) Under 28 U.S.C. 1498, any suit for infringement of a United States patent based on the manufacture or use by or for the United States of an invention described in and covered by a patent of the United States by a contractor or by a subcontractor (at any tier) can be maintained only against the Government in Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, to insure that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given as provided below. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by a contractor of subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by a contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) In certain contracting situation, such as those involving demonstration projects, consideration must be given to the impact of third party-owned patents covering technology that may be incorporated in the project which may ultimately affect widespread commercial use of the project results. In such situations, the Interior Department's Solicitor (Division of General Law) should be consulted to determine what modifications, if any, should be made to the utilization of the Authorization and Consent and Indemnity provisions or what other action might be deemed appropriate.

(c) An Authorization and Consent clause shall not be used in contracts where both complete performance and delivery are to be outside the United States, its possessions or Puerto Rico.

§ 14R-9.102-1 Authorization and consent in contracts for supplies or services.

The following contract clause shall be included in all contracts for supplies or services except:

(a) When prohibited by § 14R-9.102(c); or

(b) In contracts for research, development, or demonstration work in which the clause in § 14R-9.102-2 is required.

Authorization and Consent

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (a) embodied in the structure of composition of any article the delivery of which is accepted by the Government under this contract or (b) utilized in the machinery, tools or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (i) specifications or written provisions now or hereafter forming a part of this contract, or (ii) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including all lower-tier subcontracts), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 14R-9.102-2 Authorization and consent in contracts for research, development, or demonstration.

Greater latitude in the use of patented inventions may be necessary in a contract for research, development, or demonstration work than in a contract for supplies. Unless prohibited by § 14R-9.102(c), the following clause shall be included in all contracts calling exclusively for research, development, or demonstration work and may be included in contracts calling for both supplies and research, development, or demonstration work where the latter work is a primary purpose of the contract. In all other contracts for both supplies and research, development, or demonstration work, the Authorization and Consent clause § 14R-9.102-1 shall be used. If the following clause is included in a contract, the clause in § 14R-9.102-1 shall not be included.

Authorization and Consent

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including all lower-tier subcontracts).

§ 14R-9.103 Patent indemnification of Government by contractor.

In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies, including standard parts and components which normally are or have been sold or offered for sale to the public in the commercial open market, or which are the same as such supplies with a relatively minor modification thereof, a clause providing for indemnification of the Government shall

be included in such contracts as well as in subcontracts, as appropriate, in accordance with the instructions set forth below. However, a Patent Indemnity clause normally shall not be used in contracts or subcontracts:

(a) When the Authorization and Consent clause in § 14R–9.102–2 applicable to research, development, or demonstration contracts is authorized, except that in contracts calling also for supplies of the kind described above, or for supplying standard parts or components, the Patent Indemnity clause in § 14R–9.103–3(b) may be used with respect to such supplies; in subcontracts thereunder, the Patent Indemnity clause of § 14R–9.103–1 or § 14R–9.103–3(b) shall be used as appropriate:

(b) When the contract is for supplies which clearly are not, or have not, been sold or offered for sale to the public in the commercial open market;

(c) When both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico, in which case the instruction of § 14R–9.103–1 or § 14R–9.103–3 are applicable; or

(d) When the contract is for an amount of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted where it is a part of a standard form being used for such contracts since it is self-deleting).

§ 14R–9.103–1 Patent indemnification in formally advertised contracts—commercial status predetermined.

Except as prohibited by § 14R–9.103, the following clause is appropriate in formally advertised construction contracts and shall be included in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modification to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market.

Patent Indemnity

If the amount of this contract is in excess of $10,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States Letters Patent (except Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 14R–9.103–2 [Reserved.]

§ 14R–9.103–3 Patent indemnity in negotiated contracts.

The fact that a contract is negotiated does not preclude inclusion of a Patent Indemnity clause in such a contract, and such clause may be included in negotiated construction contracts and in contracts for supplies when such supplies normally are or have been sold or offered for sale to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto, or in contracts for supplying standard parts or components.

(a) Subject to the foregoing and to the prohibitions in § 14R–9.103, the clause in § 14R–9.103–1 is approved for use in negotiated contracts for construction work or supplies.

(b) Except as prohibited by § 14R–9.103, the following clause is appropriate in research, development, or demonstration contracts when it has been determined by OWRT in any particular contracting situation that the contract will require standard supplies sold or offered for sale to the public on the commercial open market or utilize the contractor's practices or methods which normally are or have been used in providing goods and services on the commercial open market.

Patent Indemnity

The Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of U.S. Letters Patent (except Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) resulting from the Contractor's: (a) furnishing or supplying standard parts or components which have been sold or offered for sale to the public on the commercial open market; or (b) utilizing its normal practices or methods which normally are or have been used in providing goods and services in the commercial open market, in the performance of the contract; or (c) utilizing any parts, components, practices, or methods to the extent to which the Contractor has secured indemnification from liability. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction or to an infringement resulting from addition to or change in such supplies or components furnished on construction work performed which addition or change was made subsequent to deliver or performance by the Contractor.

§ 14R–9.103–4 Waiver of indemnity by the Government.

If it is desired to exempt one or more specified United States patents from the Patent Indemnity clause in § 14R–9.103–1 and § 14R–9.103–3(b), concurrence for such exemption shall be obtained from the Solicitor, and the following clause shall be included in the contract, in addition to the Patent Indemnity clause.

Waiver of Indemnity

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the United States patents indentified as listed below, and waives indemnification by the Contractor with respect to such patents: (Identify the patents by number or by other means if more appropriate).

§ 14R–9.104 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government, to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claims against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the following clause shall be included in all contracts in excess of $10,000 for

supplies, services, construction, research, development, or demonstration work. However, that the clause shall not be included in contracts:

(a) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico; or

(b) Of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted when it is part of a standard form being used for such contracts since it is self-deleting).

Notice and Assistance Regarding Patent and Copyright Infringement

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledgement.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work services performed hereunder, the Contractor shall furnish to the Government when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

(c) This clause shall be included in all subcontracts.

§ 14R-9.105 [Reserved.]

§ 14R-9.106 [Reserved.]

§ 14R-9.107 Patent rights under contracts for research, development, and demonstration, and under special contracts.

§ 14R-9.107-1 General.

This section sets forth the policies, procedures, and practices of OWRT in connection with inventions, patents, and related matters based upon Section 408 of the Water Research and Development Act of 1978, Pub. L. 95-467 of October 17, 1978, citing Sections 9 and 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908, 5909); and, to the extent not inconsistent with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887-16892). Pursuant to the foregoing statutes, title to inventions conceived or otherwise made in the course of or under OWRT contracts shall vest in the Government, and that all or part of the rights of the Government in such inventions may be waived if it is determined, in conformity with the provisions of Section 9 of the Federal Nonnuclear Energy Research and Development Act, that the interests of the United States and the general public will best be served by such waiver.

§ 14R-9.107-2 [Reserved.]

§ 14R-9.107-3 Policy.

(a) Whenever any invention is conceived or otherwise made in the course of or under any contract of OWRT, title to such invention shall vest in the United States unless the Secretary of the Interior, or his designee, waives all or any part of the rights of the United States. While waivers are to be granted only in conformity with the specific minimum considerations and under the carefully delineated conditions set forth in § 14R-9.109-6, it is recognized that waivers comprise a necessary part of the commercialization incentives available to OWRT. It is intended, therefore, that waivers will be provided in appropriate situations; to encourage industrial participation and foster rapid commercial utilization in the overall best interest of the United States and the general public. With regard to any waivers granted under this Part 14R-9, OWRT shall maintain a publicly available, periodically updated record of such waiver determinations.

(b) In contracts having as a purpose the conduct of research, development, or demonstration work and in other special contracts, the Government shall normally acquire title in and to any invention or discovery conceived or first actually reduced to practice in the course of or under the contract, allowing the contractor to retain a nonexclusive, revocable, paid-up license in the invention, and upon written request to OWRT, the right to file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor's nonexclusive license retained in the invention may be revoked or modified by OWRT only to the extent necessary to achieve expeditious practical application of the invention pursuant to an application for and the grant of an exclusive license in the invention.

(c) In contracts having as a purpose the conduct of research, development, or demonstration work and in other special contracts the Government may have to acquire the right to require licensing of background patent rights to insure reasonable public availability and accessibility necessary to practice the results of the contract in the field of technology specifically contemplated in the contract effort. The need for background patent rights and the particular rights that should be obtained for either the Government or the public will depend upon the type, purpose, and the scope of the contract effort, and the cost to the Government of obtaining such rights. Accordingly, the background patent rights provision which will be appropriate for many contract situations is included in the Patent Rights clause.

(d) Nothing in this Part 14R-9 shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions under the antitrust laws.

§ 14R-9.107-4 Procedures.

(a) *Selection of Patent Rights clause.* (1) Whenever a contract, subcontract, or other arrangement has as a purpose the conduct of research, development, or demonstration work, the operation of a Government-owned research and production facility, the furnishing of architect-engineer, design or other special services, or the coordination and direction of the work of others, and in other special situations involving the use of Government-owned materials, equipment, or classified technical data and information, the Contracting Officer shall include in the proposed contract either the Patent Rights clause of § 14R-9.107-5(a), or the clause of § 14R-9.107-6. The clause set forth in § 14R-9.107-6 may be used only in contracts calling for basic or applied research work with nonprofit or educational institutions, or in certain consultant contracts as set forth in paragraph (a)(5) of this section.

(2) The Patent rights clause of § 14R-9.107-5(a) and § 14R-9.107-6 provide that the Government shall acquire title to inventions made (i.e. conceived or first actually reduced to practice) in the course of or under the contract. However, the contractor shall retain a nonexclusive, revocable license, and subject to OWRT requirements and regulations, may request the right to file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor or the inventor may also retain greater rights than these after an invention has been identified and reported to OWRT if the Secretary or his designee determines that the interests of the United States and the general public will best be served by a waiver of such rights, utilizing the considerations set forth in § 14R-9.109-6.

(3) The primary missions of OWRT may require that certain rights in the contractor's privately developed background patents be acquired for the

Government's future production, research, development, and demonstration projects. Similar rights may also be required to enable private parties to utilize the technology developed or demonstrated with Government assistance in the field of technology specifically contemplated in the contract effort. To this end, subject to specified exceptions and negotiations, the Patent Rights clause in OWRT contracts shall normally include provisions obtaining rights of the type specified in § 14R–9.107–5 to such background patents, except that for contracts up to $50,000, a determination may be made by the Solicitor to omit such provisions upon the contractor's request therefor to OWRT. This determination will be particularly concerned with the implications of the contract's potential for technological advances to any intentions or plans which the Government may have to additionally fund research and development for such advances. It is recognized that the precise rights to be acquired under the provisions will depend upon the facts of each situation and are a matter for determination by OWRT and for negotiation with the contractor. General guidelines for use by Contracting Officers and contract negotiators are provided in § 14R–9.107–5(b).

(4) The short form Patent Rights clause in § 14R–9.107–6 may be used in contracts calling for basic or applied research where the contractor is a nonprofit or educational institution, and in special situations such as consultant contracts. However, this clause will not be used in contracts calling for the operation of Government-owned facilities, contracts in which an advance waiver or greater rights has been granted, in certain consultant contracts as explained in § 14R–9.107–6, or in other special contracts.

(5) Solicitations and proposed contracts shall provide offerors and prospective contractors with notice of and the right to request, in advance of or within 30 days after the effective date of contracting, a waiver of all or any part of the rights of the United States with respect to subject inventions. In no event will the fact that an offeror has requested such a waiver be a consideration in the evaluation of his offer or the determination of his acceptability. If an advance waiver is granted, the Patent Rights clause of § 14R–9.107–5(a) shall be utilized and appropriately modified in accordance with the terms of such waiver. To provide adequate notice to prospective contractors or offerors, the following provision will be inserted in all solicitations which may result in contracts calling for research, development, or demonstration:

> Offerors and prospective contractors in accordance with applicable statutes and OWRT Regulations (41 CFR 14R–9.109–6) have the right to request in advance of or within 30 days after the effective date of contracting a waiver of all or any part of the rights of the United States in subject inventions.

(b) *License for the Government, States and domestic municipal governments.* When a waiver is granted or foreign rights are retained by either the contractor or the inventor, the Government shall retain for the United States, and domestic municipal governments at least a paid-up, nonexclusive, irrevocable license in all applicable inventions unless the Secretary or his designee determines that it would not be in the public interest to acquire such rights for the States and domestic municipal governments. Requests by contractors for such determinations, together with a justification therefor shall be submitted to the Contracting Officer. The Contracting Officer shall refer such requests, along with appropriate comments and recommendations, to the Solicitor to serve as a basis for a determination by the Secretary or his designee.

(c) *Right to sublicense foreign governments.* The Patent Rights clause does not provide the Government with the right to grant sublicenses to a foreign government pursuant to any treaty or agreement in subject inventions to which the contractor has been granted greater or foreign rights. The Secretary or his designee may determine at the time of contracting that it would be in the national interest to acquire this right, or he may reserve the right to make this determination after the invention is identified. When such a determination is made or such right is reserved, the Patent Rights clause should be amended as set forth in § 14R–9.107–5(d).

(d) *License rights (upon request) to the contractor.* Paragraph (c) of the Patent Rights (long form) clause of § 14R–9.107–5(a) specifies the license rights retained by the contractor in inventions made in the course of or under the contract. In appropriate circumstances, such as in contracts for the operation of Government-owned facilities or special long term, cost reimbursement Government-funded research, development, or demonstration work, this provision shall be modified to provide a revocable, nonexclusive, royalty-free license in inventions only upon request by the contractor for reservation of such license. In such situations, the paragraph set forth in § 14R–9.107–5(e) shall be substituted for paragraph (c)(1) of the Patent Rights (long form) clause.

(e) *License rights to contractor (Irrevocable).* Paragraph (c)(1) of the Patent Rights clauses specifies that the license rights retained by the contractor in such inventions are revocable. In special circumstances, the license may be irrevocable, in which case the paragraph (c)(1) set forth in § 14R–9.107–5(f) shall be substituted for paragraph (c)(1), (c)(2), and (c)(3) of the Patent Rights (long form) clause. Since granting irrevocable licenses may interfere with OWRT's licensing program, which is intended to promote the commercial utilization of inventions resulting from its research, development, or demonstration programs, contractors desiring irrevocable licenses shall submit a written request with a justification to the Contracting Officer. The Contracting Officer shall refer such requests, along with appropriate comments and recommendations, to the Solicitor to serve as a basis for approval by the Secretary or his designee.

(f) *Contractor sublicensing.* The right of a contractor having a license as set forth in paragraphs (d) and (e) of this section to grant a revocable license to one or more sublicensees may be considered appropriate by the Secretary or his designee in certain circumstances, such as, for example, where the contractor is cost sharing; where the contractor's control or involvement in the technology which is the subject of the contract is substantial; where the reservation of licensing rights in the contractor would best promote commercialization or utilization of the technology, or where substantial segments of the user population already have licenses or would otherwise be licensed. In such situations, the paragraph in § 14R–9.107–5(g)(1) may be substituted for paragraph (c)(1) of § 14R–9.107–5(a), or the paragraphs in § 14R–9.107–5(g)(2) may be substituted for paragraphs (c)(1), (c)(2), and (c)(3) of § 14R–9.107–5(a), as appropriate.

(g) *Facilities license.* Whenever a contract has as a purpose the design, construction, or operation of a Government-owned research, development, demonstration, or production facility, it is necessary that the Government be accorded certain rights with respect to further use of the facility by or on behalf of the Government upon termination of the contract, including the right to make, use, transfer, or otherwise dispose of all articles, materials, products, or

processes embodying inventions or discoveries used or embodied in the facility regardless of whether or not conceived or actually reduced to practice under or in the course of such a contract. Accordingly, the paragraph of § 14R–9.107–5(h) shall be used in all such contracts in addition to the provision of the "long form" Patent Rights clause.

(h) *Subcontracts.* (1) The policy expressed in § 14R–9.107–3 is applicable to prime contracts and to subcontracts regardless of tier. The Patent Rights clause of § 14R–9.107–5(a) or § 14R–9.107–6 shall be included in all subcontracts having as a purpose the conduct of research, development, or demonstration work. However, the Patent Rights clause contained in the prime contract is not to be deemed automatically appropriate for subcontracts. For example, it would not be appropriate to the extent that waivers have been granted the prime contractor at the time of contracting. A separate waiver, if any, must be obtained by subcontractors. Further, the withholding of payment provision of the prime contract will normally not be included in a subcontract except that upon request of the Contracting Officer in special contracting situations the withholding of payment provision may be flowed down to subcontractor. Whenever either the prime contractor or a proposed subcontractor considers the inclusion of the Patent Rights clause of § 14R–9.107–5(a) or § 14R–9.107–6 to be inappropriate, or the subcontractor refuses to accept such a clause in its subcontract, the matter shall be referred prior to award of the subcontract to the Contracting Officer for resolution in accordance with § 14R–9.107–4(k). Upon such referral, the same considerations and procedures followed in selecting the appropriate Patent Rights clause included in the prime contract shall be used in selecting the subcontract clause.

(2) Contractors shall not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the inventions resulting from subcontracts, and a waiver granted to a prime contractor is not normally applicable to inventions of subcontractors. However, in appropriate circumstances, the prime contractor's waiver may be made applicable to the inventions of any or all subcontractors, such as, for example, where there are pre-existing special research and development arrangements between the prime contractor and subcontractor, or where the prime contractor and subcontractor, are partners in a cooperative effort. In addition, in such circumstances the prime contractor may be permitted to acquire nonexclusive licenses in the subcontractor's inventions when a waiver for subcontractor inventions is not applicable.

(i) *Record of decisions.* The Solicitor shall record the basis for the following actions: (1) Waivers at the time of contracting; (2) waivers granted on identified inventions; (3) determinations that no license need be obtained for States or municipal governments; (4) determinations that the right to sublicense foreign governments should be obtained; and (5) the grant of irrevocable licenses.

(j) *Publication of invention disclosures.* The Patent Rights clauses specify that the Government may duplicate and disclose invention disclosures reported under the contract, although it is not OWRT's practice to publish invention disclosures. Since public disclosure before the filing of a U.S. patent application may create a bar to filing certain foreign applications, the clauses also require that patent approval for release or publication of information relating to the contract work be secured from the Solicitor prior to any such release or publication. When the contractor has requested or obtained a waiver, or has advised of its interest in obtaining certain foreign filing rights, provision is made for OWRT to use its best efforts to withhold release or publication of such information for a specified time period in accordance with paragraph (d)(1) or the clause in § 14R–9.107–5(a) to permit the timely filing of a U.S. patent application by the contractor.

(k) *Negotiations and deviations.* Contracting Officers shall contact the Solicitor for assistance in selecting, negotiating, or approving appropriate patent, copyright, and data clauses. Any intended departures or deviations from the policy, procedures, or the clauses specified in this Part § 14R–9 shall be referred to the Solicitor for review and concurrence.

§ 14R–9.107–5 Clause for contracts (long form).

(a) *Patent Rights clause.* When the Contracting Officer has determined that a contract falls within § 14R–9.107–4(a)(1), except where the clause of § 14R–9.107–6 is applicable, the following clause shall be included in the contract.

Patent Rights

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented under the Patent Laws of the United States of America or any foreign country.

(2) "Contract" means any contract, grant, agreement, understanding, or other arrangement, which includes research, development, or demonstration work, and includes any assignment, or substitution of parties.

(3) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and any political subdivision and agencies thereof.

(4) "Government agency" includes an executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the Executive Branch of the Government of the United States of America.

(5) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish reasonably accessible to the public.

(6) "Solicitor" means the Solicitor of the U.S. Department of the Interior or his authorized representative.

(7) "OWRT" means Office of Water Research and Technology in the U.S. Department of the Interior.

(8) "Contractor" means any individual, partnership, public or private corporation, association, institution or other entity which is a party to the contract and includes entities controlled by the Contractor. The term "controlled" means the direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: Provided, however, that foreign entities not wholly owned by the Contractor shall not be considered as "controlled" for purposes of this patent clause. For the purposes of the patent clause, grantees are deemed Contractors.

(9) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) *Allocation of principal rights.*—(1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (b)(2) and (c) of this clause.

(2) *Greater rights determinations.* The Contractor or the employee-inventor with authorization of the Contractor may request greater rights than the nonexclusive license and the right to request foreign patent rights provided in paragraph (c) of this clause on identified inventions in accordance with 41 CFR 14R–9.109–6. Such requests must be submitted to the Contracting Officer at the time of the first disclosure pursuant to paragraph (e)(2) of this clause, or not later than 6 months after conception or first actual reduction to practice, whichever occurs first,

or such longer period as may be authorized by the Contracting Officer for good cause shown in writing by the Contractor.

(c) *Minimum rights to the contractor.*—(1) *Contractor license.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope, to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with aproval of the Solicitor except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(2) *Revocation limitations.* The Contractor's nonexclusive license retained pursuant to paragraph (c)(1) of this clause and sublicenses granted thereunder may be revoked or modified by the Solicitor, either in whole or in part, only to extent necessary to achieve expenditious practical application of the Subject Invention under the published Federal Property Management Licensing Regulations [41 CFR 101–4.1], and only to the extent an exclusive license is actually granted. This license shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicensee, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(3) *Revocation procedures.* Before modification or revocation of the license or sublicense, pursuant to paragraph (c)(2) of this clause, the Solicitor shall furnish the Contractor a written notice of its intention to modify or revoke the license and any sublicense thereunder, and the Contractor shall be allowed 30 days, or such longer period as may be authorized by the Solicitor for good cause shown in writing by the Contractor, after such notice to show cause why the license or any sublicense should not be modified or revoked. The conclusion of the Solicitor thereafter shall be final unless, within thirty (30) days from the date such conclusion is rendered, the Contractor submits to the Secretary a written appeal therefrom. The Contractor, upon a request therefor in writing, will be afforded an opportunity to be heard and to offer evidence in support of the appeal. The decision of the Secretary or his duly authorized representative for a determination of such appeal, shall be final and conclusive.

(4) *Foreign patent rights.* Upon written request to the Contracting Officer, in accordance with paragraph (e)(2)(i) of this clause, the Contracting Officer, with the authorization of the Solicitor, may reserve to the Contractor, or the employee-inventor, with authorization of the Contractor, the patent rights to a Subject Invention in any foreign country where the Government has elected not to secure such rights provided:

(i) The recipient of such rights, when specifically requested by the Solicitor and three years after issuance of a foreign patent disclosing such Subject Invention, shall furnish the Solicitor a report setting forth:

(A) The commercial use that is being made, or is intended to be made, or said invention, and

(B) The steps taken to bring the invention to the point of practical application or to make the invention available for licensing.

(ii) The Government shall retain at least a nonexclusive, irrevocable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Secretary or his designee determines that it would not be in the public interest to acquire the license for the State and domestic municipal governments.

(iii) Subject to the rights granted in (c)(1), (2), and (3) of this clause, the Secretary or his designee shall have the right to terminate the foreign patent rights granted in this paragraph (c)(4) in whole or in part unless the recipient of such rights demonstrates to the satisfaction of the Secretary or his designee that effective steps necessary to accomplish substantial utilization of the invention have been taken or within a reasonable time will be taken.

(iv) Subject to the rights granted in (c)(1), (2), and (3) of this clause, the Secretary or his designee shall have the right, commencing four years after foreign patent rights are accorded under this paragraph (c)(4) to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances and in appropriate circumstances to terminate said foreign patent rights in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(A) If the Secretary or his designee determines, upon review of such material as he deems relevant, and after the recipient of such rights, or other interested person, has had the opportunity to provide such relevant and material information as the Secretary or his designee may require that such foreign patent rights have ended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(B) Unless the recipient of such rights demonstrates to the satisfaction of the Secretary or his designee at such hearing that the recipient has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(d) *Filing of patent applications.* (1) With respect to each Subject Invention in which the Contractor or the inventor requests foreign patent rights in accordance with paragraph (c)(4) of this clause, a request may also be made for the right to file and prosecute the U.S. application on behalf of the U.S. Government. If such request is granted, the Contractor or inventor shall file a domestic patent application on the invention within 6 months after the request for foreign patent rights is granted, or such longer period of time as may be approved by the Solicitor for good cause shown in writing by the requester. With respect to the invention, the requester shall promptly notify the Solicitor of any decision not to file an application.

(2) For each Subject Invention on which a domestic patent application is filed by the Contractor or inventor, the Contractor or inventor shall:

(i) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously has been filed, deliver to the Solicitor a copy of the application as filed, including the filing date and serial number;

(ii) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been field previously, deliver to the Solicitor a duly executed and approved assignment to the Government, on a form specified by the Government;

(iii) Provide the Solicitor with the original patent grant promptly after a patent is issued on the application; and

(iv) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the Solicitor of any decision not to continue prosecution of the application.

(3) With respect to each Subject Invention in which the Contractor or inventor has requested foreign patent rights, the Contractor or inventor shall file a patent application on the invention in each foreign country in which such request is granted in accordance with applicable statutes and regulations and within one of the following periods:

(i) Eight months from the date of filing a corresponding United States application, or if such an application is not filed, six months from the date of the request was granted;

(ii) Six months from the date a license is granted by the Commissioner of Patents and Trademarks to file the foreign patent application where such filing has been prohibited by security reasons; or

(iii) Such longer periods as may be approved by the Solicitor for good cause shown in writing by the Contractor or inventor.

(4) Subject to the license specified in paragraphs (c) (1), (2), and (3) of this clause, the Contractor or inventor agrees to convey to the Government, upon request, the entire right, title, and interest in any foreign country in which the Contractor or inventor fails to have a patent application filed in accordance with paragraph (d)(3) of this clause, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the Contractor or inventor shall not less than 60 days before the expiration period for any action required by any Patent Office, notify the Solicitor of such failure of decision, and deliver to the Solicitor the executed instruments necessary for the conveyance specified in this paragraph.

(e) *Invention identification, disclosures, and reports.* (1) The Contractor shall establish and maintain active and effective procedures to ensure that Subject Inventions are promptly identified and timely disclosed.

These procedures shall include the maintenance of laboratory notebooks or equivalent records and any other records that are reasonably necessary to document the conception and/or the first actual reduction to practice of Subject Inventions, and records which show that the procedures for identifying and disclosing the invention are followed. Upon request, the Contractor shall furnish the Contracting Officer a description of these procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish the Contracting Officer for consideration by the Solicitor:

(i) A written report on Form DI–1217, or the equivalent, containing full and complete technical information concerning each Subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event prior to any on sale, public use, or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention. The report should also include any request for foreign patent rights under paragraph (c)(4) of this clause and any request to file a domestic patent application under (d)(1) of this clause. However, such requests shall be made within the period set forth in paragraph (b)(2) of this clause. When an invention is reported under this paragraph (e)(2)(i), it shall be presumed to have been made in the manner specified in Section 408 of the Water Research and Technology Act of 1978, Pub. L. 95–467, unless the Contractor contends it was not so made in accordance with paragraph (g)(2)(ii) of this clause.

(ii) Upon request, but not more than annually, interim reports on Form DI–1216 listing Subject Inventions and subcontracts awarded containing a Patent Rights clause for that period and certifying that:

(A) The Contractor's procedures for identifying and disclosing Subject Inventions as required by this paragraph (d) have been followed throughout the reporting period;

(B) All Subject Inventions have been disclosed or that there are no such inventions;

(C) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded; and

(iii) A final report on Form DI–1216 within 3 months after completion of the contract work listing all Subject Inventions and all subcontracts awarded containing a Patent Rights clause and certifying that:

(A) All Subject Inventions have been disclosed or that there were not such inventions; and

(B) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded.

(3) The Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(4) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause. If the Contractor is to file a foreign patent application on a Subject Invention, the Government agrees, upon written request, to use its best efforts to withhold publication of such invention disclosures until the expiration of the time period specified in paragraph (d)(1) of this clause, but in no event shall the Government or its employees be liable for any publication thereof.

(f) *Publication.* It is recognized that during the course of the work under this contract, the Contractor or its employees may from time to time desire to release or publish information regarding scientific or technical developments made or conceived in the course of or under this contract. In order that public disclosures of such information will not adversely affect the patent interests of the Government, or the Contractor, patent approval for release or publication shall be secured from the Solicitor prior to any such release or publication.

(g) *Forfeitures of rights in unreported Subject Inventions.* (1) The Contractor shall forfeit to the Government, at the request of the Secretary or his designee, all rights in any Subject Invention which the Contractor fails to report to the Contracting Officer within six months after the time the Contractor:

(i) Files or causes to be filed a United States or foreign patent application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(iii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a Subject Invention if, within the time specified in (1)(i) or (1)(ii) of this paragraph (g), the Contractor:

(i) Prepared a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract and files the same with the Solicitor; or

(ii) Contending that the invention is not a Subject Invention, the contractor nevertheless discloses the invention and all facts pertinent to this contention to the Solicitor; or

(iii) Establishes that the failure to disclose did not result from the Contractor's fault or negligence.

(3) Pending written assignment of the patent applications and patents on a Subject Invention determined by the Secretary or his designee to be forfeited (such determination to be a final decision under the Disputes Clause), the contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph (g) shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(h) *Examination of records relating to inventions.* (1) The Contracting Officer or his authorized representative, until the expiration of 3 years after final payment under this contract shall have the right to examine any books (including laboratory notebooks), records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative reasonably deem pertinent to the discovery or identification of Subject Inventions or to determine compliance with the requirements of this clause.

(2) The Contracting Officer or his authorized representative shall have the right to review all books (including laboratory notebooks), records, and documents of the Contractor relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether any such inventions are Subject Invention, if the Contractor refuses or fails to:

(i) Establish the procedurs of paragraph (e)(1) of this clause; or

(ii) Maintain and follow such procedures; or

(iii) Correct or eliminate any material deficiency in the procedures within thirty (30) days after the Contracting Officer notifies the Contractor of such a deficiency.

(i) *Withholding of payment. (Not applicable to subcontracts).* (1) Any time before final payment of the amount of this contract, the Contracting Officer may, if he deems such action warranted, withhold payment until a reserve not exceeding $10,000 or 10 percent of the amount of this contract, whichever is less, shall have been set aside if in his opinion, the contractor fails to:

(i) Establish, maintain, and follow effective procedures for identifying and disclosing Subject Inventions pursuant to paragraph (e)(1) of this clause; or

(ii) Disclose any Subject Inventions pursuant to paragraph (e)(2)(i) of this clause; or

(iii) Deliver the Interim Reports pursuant to paragraph (e)(2)(ii) of this clause; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (j)(5) of this clause; or

(v) Convey to the Government in a Solicitor-approved form the title and/or rights of the Government in each Subject Invention as required by this clause.

(2) The reserve or balance shall be withheld until the Contracting Officer has determined after consultation with the Solicitor that the contractor has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by this clause.

(3) Final payment under this contract shall not be made by the Contracting Officer before the Contractor delivers to the Contracting Officer all disclosures of Subject Inventions and other information required by (e)(2)(i) of this clause, the final report required by (e)(2)(iii) of this clause, and the Solicitor has issued a patent clearance certification to the Contracting Officer.

(4) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. If the Contractor is a nonprofit organization, the maximum amount that may be withheld under this paragraph shall not

exceed $10,000 or 5 percent of the amount of this contract, whichever is less. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights accruing to the Government under this contract.

(j) *Subcontracts.* (1) For the purpose of this paragraph, the term "Contractor" means the party awarding a subcontract and the term "Subcontractor" means the party being awarded a subcontract, regardless of tier.

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include the Patent Rights clause of 41 CFR 14R–9.107–5(a) or 41 CFR 14R–9.107–6 as appropriate, modified to identify the parties in any subcontract hereunder. In the event of refusal by a Subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with OWRT's patent policies, the Contractor:

(i) Shall promptly submit written notice to the Contracting Officer setting forth reasons for the Subcontractor's refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

(3) The Contractor shall not, in any subcontract except as may be otherwise provided in this clause, or by using a subcontract as consideration therefor, acquire any rights in its Subcontractor's Subject Invention for the Contractor's own use (as distinguished from such rights as may be required solely to fulfill the Contractor's contract obligations to the Government in the performance of this contract).

(4) All invention disclosures, reports, instruments, and other information required to be furnished by the Subcontractor to OWRT or the Solicitor, under the provision of a Patent Rights clause in any subcontract hereunder may, in the discretion of the Contracting Officer, be furnished to the Contractor for transmission to OWRT or the Solicitor.

(5) The Contractor shall promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award, and estimated completion. Upon the request of the Contracting Officer, the Contractor shall furnish a copy of the subcontract.

(6) The Contractor shall identify all Subject Inventions of the Subcontractor of which it acquires knowledge in the performance of this contract and shall notify the Contracting Officer promptly upon the identification of the inventions.

(7) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Subject Inventions and Background Patents, and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the Subcontractor's obligations for the benefit of the Government and the public with respect to Subject Inventions and Background Patents. The Contractor shall not be obligated to enforce the agreements of any Subcontractor hereunder relating to the obligations of the Subcontractor to the Government with regard to Subject Inventions and Background Patents.

(k) *Dominating Background Patents.* (1) Definitions. (i) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract):

(A) Which the Contractor, but not the Government, has the right to license to others; and

(B) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(ii) "Commercial Item" means:

(A) Any machine, manufacture, or composition of matter which, at the time of a request for a license pursuant to this section, is offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances; and

(B) Any process which, at the time of a request for a license is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(iii) To "practice an invention or patent" means the right of a licensee on his own behalf to make or have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(iv) "Specified Work Object" means the specific process, method, machine, manufacture, or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(2) Contractor agrees that he will make the Background Patent available for use in conjunction with (A) any Subject Invention, and (B) any Specified Work Object, which is in the field of technology where the work of the contract falls. This may be done:

(i) By making available an embodiment of the Subject Invention or the Specified Work Object, which incorporates the invention covered by the Background Patent, as a Commercial Item of reasonable quality, in sufficient quantity and at reasonable prices to satisfy market needs; or

(ii) By the sale of an embodiment of the Background Patent as a Commercial Item in a form which can be employed in the practice of the Subject Invention or the Specified Work Object or can be so employed with relatively minor modifications, or demonstrating to the satisfaction of the Solicitor that a competitive alternative to such an embodiment is offered for sale, or otherwise made available commercially to the public, which is of reasonable quality, in sufficient quantity and at reasonable prices to satisfy market needs; or

(iii) By the licensing of the domestic Background Patent at reasonable terms, including reasonable royalties, to responsible applicants on their request.

(3)(i) When a license to practice a domestic Background Patent in conjuction with any Subject Invention or any Specified Work Object for the technology where the work of the contract falls is requested, in writing, by a responsible applicant, and such Background Patent is not available as set forth in subparagraphs (k)(2)(i) or (ii) of this clause, the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Officer, in writing within the said six months, of any such request for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his licensee wishes to attempt to make available as set forth in subparagraphs (k)(2)(i) or (ii) of this clause. The Secretary or his designee shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonsble price. If the Contractor or his licensee decides not to make such Background Patent so available, or fails to made it available within the time designated by the Secretary or his designee, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (A) the Specified Work Object, or (B) the Subject Invention; and may be limited by the licensor for practice in the field of technology where the work of the contract falls.

(ii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for governmental purposes of such foreign government if an embodiment of the Background Patent is not commercially available in that country. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with the Subject Inventions or Specified Work Objects in the field of technology where the work of the contract falls.

(iii) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of Subject Inventions or Specified Work Objects in the field of technology where the work of the contract falls, or where the Contractor has made available the Commercial Item as set out in Subparagraphs (k)(2)(i) or (ii) of this clause.

(4) For use in the field of technology where the work of the contract falls in conjuction with (A) any Specified Work Object, or (B) any Subject Invention, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be

nonexclusive, nontransferable, royalty-free and worldwide to practice such Patent which is not available as a Commercial Item as specified in subparagraphs (k)(2)(i) or (ii) of this clause for use of the Government in connection with research, development, and demonstration work only. Subject to the royalty-free license provided for in this paragraph and to any license provisions set forth elsewhere in this patent clause, or in other contracts or agreements, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object may be additionally limited by the Contractor to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under the contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensations, the Contractor's obligation to license his Background Patent shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer, the Contractor shall identify and describe any license agreement which would limit his right to grant a license under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as a Commercial Item as specified in subparagraphs (k)(2)(i) or (ii) of this clause, and a qualified applicant requests a license under such patent for practice in the field of technology where the work of the contract falls in connection with the use of any Subject Invention or any Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this paragraph:

(i) a parent company is one which owns or controls, through direct or indirect ownership of more that 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity; and

(ii) affiliated companies are companies or other entities owned or controlled by the same parent company.

(l) *Effectuating agreements.* Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

(b) *Background Patents.* (1) It will normally be the case that a contractor qualified to perform work under an OWRT contract will have developed a degree of expertise in the general field of activity to which the contract relates. Accordingly, it will not be unusual for a prospective contractor to have an established patent position relating to the general field of work to be performed under an OWRT contract and to have ongoing research and development programs in that general field which could result in patentable inventions. Since the contractor is obligated to apply its best efforts to accomplishing the objectives of the contract work, it is to be expected that inventions owned or controlled by the contractor at any time during the contract period may be utilized in connection with the work performed under the contract. If such inventions are or become the subject of a patent, such patented inventions may control a subject of the contract or the contract results.

(2) It is usually the case that at the time an OWRT contract is negotiated, such inventions, if any, of the contractor are not known to the Government and may not be known to the contractor either. Use by the contractor of such inventions in connection with the contract work does not necessarily result in a need for rights in those inventions by the Government or others. However, failure of OWRT to obtain limited rights on behalf of the Government and/or third parties in a narrow class of those inventions, defined as "Background Patent" could frustrate the objectives of OWRT to promptly make the benefits of its programs widely available to the public and to promote the commercial utilization of the technology developed or demonstrated under OWRT programs. Therefore, it is OWRT's policy to obtain limited license rights in Background Patents on a basis that is reasonable under the circumstances of the particular contract and takes into account the relative equities of the contractor, the Government, and the general public.

(3) Paragraph (k) of the Patent Rights clause of § 14R–9.107–5(a) sets out the Background Patent provision that will be appropriate for OWRT contracting situations by balancing the needs of OWRT programs with the equities of the contractor. This clause obtains a nonexclusive, royalty-free license for the Government for research, development, and demonstration work only. Also in the absence of an available commercial alternative for the invention of a Background Patent, or where there is a failure on the part of the contractor itself or with its licensees in action to supply the market in sufficient quantities and reasonable prices, the contractor is required to license responsible parties on reasonable terms for use of the background invention with Subject Inventions and Specified Work Object in the field of technology specifically contemplated in the contract effort. The Background Patent provisions, however, are only applicable insofar as infringement of the Background Patent cannot be avoided in order to effectively utilize the results of the contract work. Additionally, the clause is not effective if the contractor can demonstrate to the satisfaction of the Secretary or his designee that commercial alternatives are available, or that the contractor or its licensees are supplying the market in sufficient quantities and at reasonable prices or have taken effective steps or within a reasonable time are expected to take effective steps to so supply the market. In determining whether to request such licensing, OWRT will recognize the need, where appropriate, to limit licensing to preserve the commercialization incentives provided by the patent, and also to meet the needs of the public for early availability of the technology.

(4) Subparagraph (k)(1) provides a definition of those inventions which will fall within the area of what constitutes a Background Patent, while subparagraphs (k)(2) and (k)(3) define Contractor's alternatives to licensing, as well as the scope or field of use of any license granted. Although OWRT as explained in subparagraph (3) of this paragraph (b) may control the requesting of licenses to responsible parties, the final resolution of questions regarding the scope of such licenses, the terms thereof including reasonable royalties are then left to the negotiation of the parties with final resolution of the issues being made by a court of competent jurisdiction if necessary. Any decision not to apply the licensing requirement of subparagraphs (k)(2) and (k)(3), however, is subject to the final decision of the Secretary or his designee

because the determinations are dependent in substantial part on the requirements of OWRT's statutory mission.

(5) Balancing of the respective equities in particular contracting situations, however, may require that paragraph (k) be modified. Paragraph (k) may be deleted for contracts up to $50,000 with the advice of the Solicitor. For example, paragraph (k) may not be appropriate in study contracts, planning contracts, and contracts for specialized equipment not intended for use by the public.

(6) On the other hand, there will be situations where the equities between the Government and the contractor, or anticipated Government needs, would require that rights be obtained for either the Government or for the public greater than those set forth in paragraph (k). For example, where (i) the contribution of the Government towards the development and/or commercialization of the Background Patent is substantially greater than that of the contractor, (ii) it is expected that the agency may be involved in special long-term projects, or (iii) the Government may require substantial production or procurement for purposes outside of research, development, or demonstration, it may be necessary to obtain greater rights. In such situations, consideration should be given to extending the Government's rights beyond research, development, and demonstration work, or to adjust royalties that may be due by the Government to reflect the Government's contribution. Such adjustment could take the form of (i) credit to be given the Government based upon its contribution through the contract, or (ii) a royalty based upon the relative contributions of the contractor and the Government. Consideration could also be given to utilizing the relative contributions in determining reasonable royalties to be charged to others.

(7) Similarly, it may be necessary to obtain greater rights for the public in the contractor's background patents where, for example, the contractor's background patents cover the basic technology intended to be developed under the contract effort, rather than subcomponents or products or processes which are ancillary to the contract effort, or where the future market for the contract results will be very large and there are presently only a few suppliers available.

(8) It may also be appropriate to modify the rights acquired by paragraph (k) where the contractor's background patent rights were of primary importance in granting the contractor a waiver. For example, if the contractor was permitted to retain exclusive rights to Subject Inventions based upon the consideration that both foreground and background inventions would be licensed at reasonable royalties, then paragraph (k) should be modified. In such cases, the definition of "Background Patent" should be broadened to include all patents useful in the practice of the contract results in additional fields of technology or other aspects of the contract.

(9) The application of paragraph (k) is extended to the practice of any specific process, method, or machine, manufacture, or composition of matter which is a subject of the research, development, or demonstration work performed under the contract, otherwise referred to as "Specified Work Object," and normally intended to provide the rights covered in paragraph (k) limited to the same fields of use or intended uses of the contract results as generally contemplated by the program involved. During negotiations, when the subject matter of the contract and the intended uses of the results thereof are known, a more specific statement of the field of technology intended to be covered may be substituted for the expression "the field of technology where the work of the contract falls." For example, the application of paragraph (k) may be limited to specified fields of use which cover the anticipated use of the technology being developed under the contract.

(10) The considerations and statements in the foregoing subparagraphs (1)–(9) of this paragraph also apply to the negotiation, application, and inclusion of background patent rights provisions in subcontracts.

(c) *License for the States and domestic municipal governments.* When the Secretary or his designee determines at the time of contracting that it would not be in the public interest to acquire a paid-up license in Subject Inventions for States and domestic municipal governments, paragraph (c)(4)(ii) of the Patent Rights clause in § 14R–9.107–5(a) shall be replaced with the following paragraph (c)(4)(ii):

(iii) The Government shall retain at least a nonexclusive, irrevocable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency).

(d) *Right to sublicense foreign governments.* (1) When the Secretary or his designee determines at the time of contracting that it would be in the national interest to acquire the right to sublicense foreign governments pursuant to any treaty or agreement, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 14R–9.107–5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement with such foreign governments.

(2) When the Secretary or his designee wishes to reserve the right to make the determination to sublicense foreign governments pursuant to any treaty or agreement until after the invention has been identified, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 14R–9.107–5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement if the Secretary or his designee determines after the invention has been indentified that it would be in the national interest to acquire this right.

(e) *License rights (upon request) to contractor (revocable).* When the Solicitor or his designee determines that the contractor may reserve a revocable, nonexclusive, paid-up license in Subject Inventions, only upon a request by the contractor for the retention of such a license, paragraph (c)(1) of the clause in § 14R–9.107–5(a) shall be replaced with the following paragraph (c)(1):

(c)(1) The Contractor may reserve upon request a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded and revocable under the same terms and conditions as set forth herein. The license shall be assignable only with approval of OWRT except to the successor of the part of the Contractor's business to which the invention pertains.

(f) *License rights to contractor (irrevocable).* When the Solicitor or his designee determines that the contractor may reserve a nonexclusive, irrevocable, paid-up license in the inventions resulting from the contract, paragraph (c)(1) of the Patent Rights clause of § 14R–9.107–5(a) shall be replaced with the following paragraph (c)(1) and paragraphs (c)(2) and (c)(3) and references thereto shall be cancelled:

(c)(1) The contractor reserves a nonexclusive, irrevocable, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the

title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with the approval of OWRT except when transferred to the successor of the part of the Contractor's business to which the invention pertains.

(g) *Contractor sublicense (revocable).* When the Secretary or his designee determines at the time of contracting that, as indicated in § 14R–9.107–4(f), it would be in the interests of the Government to permit a contractor having the right to retain a revocable, nonexclusive license in a Subject Invention to have the further right to grant to one or more sublicensees a revocable license of the same scope, the following paragraph may be substituted for paragraph (c)(1) of the Patent Rights clause in § 14R–9.107–5(a):

(c)(1) The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant revocable, nonexclusive sublicenses of the same scope. The license shall be transferable only with the approval of OWRT except when transferred to the successor of the part of the Contractor's business to which the invention pertains.

(2) Where the contractor has been granted the right to retain a nonexclusive, irrevocable, license in a Subject Invention, and it is determined as in (g)(1) of this section to leave in the contractor the right to grant one or more revocable sublicenses thereunder, the following three paragraphs will be substituted for paragraphs (c)(1), (c)(2), and (c)(3) of the Patent Rights clause in § 14R–9.107–5(a):

(c)(1) Contractor license. The Contractor reserves a nonexclusive, irrevocable, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant revocable, nonexclusive sublicenses which are revocable under the same terms and conditions as set forth in paragraphs (c)(2) and (3) of this clause. The license shall be transferable only with the approval of OWRT except when trasferred to the successor of the part of the Contractor's business to which the invention pertains.

(c)(2) Revocation limitations. Any sublicense granted by the Contractor may be revoked or modified by OWRT, either in whole or in part, only to the extent necessary to achieve expeditious practical application of the Subject Invention, and only to the extent an exclusive license is actually granted by the Government. This sublicense shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicense, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(c)(3) Revocation procedures. Before modification or revocation of any sublicense pursuant to paragraph (c)(2) of this clause, OWRT shall furnish the Contractor and the sublicensee written notice of its intention to modify or revoke the sublicense, and the Contractor and the sublicensee shall be allowed 30 days, or such longer period as may be allowed by the Solicitor for good cause shown in writing by the Contractor or the sublicensee, after such notice to show cause why the sublicense should not be modified or revoked by a determination of the Solicitor or his authorized representative. The Contractor or the sublicensee shall have the right to appeal to the Secretary or his designee any decision concerning the modification or revocation of the sublicense.

(h) *Facilities license.* The following paragraph will be included as paragraph (1) of the Patent Rights (long form) clause in each contract having as a purpose the design, construction, or operation of a Government-owned research, development, demonstration, or production facility. The scope of the license in the following paragraph may, in appropriate situations, be expanded to cover similar facilities.

(1) *Facilities license.* In addition to the rights of the parties with respect to inventions or discoveries conceived or first actually reduced to practice in the course of or under this contract, the Contractor agrees to and does hereby grant to the Government a nonexclusive, irrevocable, paid-up license in and to any inventions or discoveries regardless of when conceived or actually reduced to practice or acquired by the Contractor, which are owned or controlled by the Contractor at any time through completion of this contract and which are incorporated or embodied in the construction of the facility or which are utilized in the operation of the facility or which cover articles, materials, or products manufactured at the facility (1) to practice or to have practiced by or for the Government at the facility, and (2) to transfer such license with the transfer of that facility. The acceptance or exercise by the Government of the aforesaid rights and license shall not prevent the Government at any time from contesting the enforceability, validity or scope of, or title to, any rights or patents herein licensed.

§ 14R–9.107–6 Clause for contracts (short form).

The following clause may be used instead of the clause of § 14R–9.107–5(a) in contracts for basic or applied research where the contractor is a nonprofit or educational institution, except in contracts calling for the operation of Government-owned facilities, or contract in which an advance waiver has been granted, or other special contracts such as those for the conduct of major long-term continuing programs or basic overall agreements providing for the assignment of new tasks from time to time by mutual agreement.

Patents Rights (Short Form)

(a) *Definitions* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented, under the Patent Laws of the United States of America or any foreign country.

(2) "Solicitor" means the Solicitor of the U.S. Department of the Interior.

(b) *Invention disclosures and reports.* (1) The Contractor shall furnish the Contracting Officer:

(i) A written report (on Form DI–1217 or an equivalent) containing full and complete technical information concerning each Subject Invention within 6 months after conception or first actual reduction to practice, whichever occurs first, in the course of or under this contract, but in any event prior to any on sale, public use, or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention.

(ii) Upon request, but not more than annually, interim reports (on Form DI–1216 or an equivalent) listing Subject Inventions for that period and certifying that all Subject Inventions have been disclosed or that there were no such inventions; and

(iii) A final report (on Form DI–1216 or equivalent) within 3 months after completion of the contract work listing all Subject Inventions and certifying that all Subject Inventions have been disclosed or that there were no such inventions.

(2) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to the contract.

(c) *Allocation of principal rights.*—(1) *Assignment to the Government.* The Contractor agrees to assign to the

Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraph (c)(2) and (d) of this clause.

(2) *Greater rights determinations.* The Contractor or the employee-inventor with authorization of the Contractor, may request greater rights than the nonexclusive license and the right to request foreign patent rights provided in paragraph (d) of this clause on identified inventions in accordance with the procedure and criteria of 41 CFR 14R–9.109–6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Contracting Officer at the time of the first disclosure of the invention pursuant to paragraph (b)(1) of this clause or not later than 6 months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by the Contracting Officer for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 14R–9.109–6(e).

(d) *Minimum rights to the Contractor.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. Revocation shall be in accordance with the procedures of paragraphs (c) (2) and (3) of the clause in 41 CFR 14R–9.107–5(a). The Contractor also has the right to request foreign rights in accordance with the procedures of paragraph (c)(4) of the clause in 41 CFR 14R–9.107–5(a).

(e) *Employee and Subcontractor agreements.* Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of the Patent Rights clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers;

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include the Patent Rights clause of 41 CFR 14R–9.107–5(a) or 41 CFR 14R–9.107–6, as appropriate, modified to identify the parties in any subcontract hereunder having as a purpose the conduct of research, development, or demonstration work; and

(3) Promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the subcontractor, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon the request of the Contracting Officer, the Contractor shall furnish a copy of the subcontract to such requester.

(f) *Publication.* In order that information concerning scientific or technical developments conceived or first actually reduced to practice in the course of or under the contract is not prematurely published so as to adversely affect patent interest of the parties to the contract, the Contractor agrees to submit to the Solicitor for patent review a copy of each paper 60 days prior to its intended publication date. The Contractor may publish such information after expiration of a 60-day period following such submission, or prior thereto if specifically approved by the Solicitor, unless the Contractor is informed that in order to protect patentable subject matter, publication must be further delayed.

(g) *Dominating Background Patents.* (1) Definitions.

(i) "Background Patents" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract),

(A) Which the Contractor, but not the Government, has the right to license to others; and

(B) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(ii) "Commercial Item" means:

(A) Any machine, manufacture, or composition of matter which, at the time of a request for a license pursuant to this section, is offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances; and

(B) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(iii) To "practice an invention or patent" means the right of a licensee on his own behalf to make or have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(iv) "Specified Work Object" means the specific process, method, machine, manufacture, or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(2) Contractor agrees that he will make the Background Patent available for use in conjunction with (A) any Subject Invention and (B) any Specified Work Object which is in the field of technology where the work of the contract falls. This may be done:

(i) By making available an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by the Background Patent, as a Commerical Item of reasonable quality, in sufficient quantity, and at reasonable prices to satisfy market needs; or

(ii) By the sale of an embodiment of the Background Patent as a Commercial Item in a form which can be employed in the practice of the Subject Invention or the Specified Work Object or can be so employed with relatively minor modifications or demonstrating to the satisfaction of the Solicitor that a competitive alternative to such an embodiment is offered for sale, or otherwise made available commercially to the public, which is of reasonable quality, in sufficient quantity, and at reasonable prices to satisfy market needs; or

(iii) By the licensing of the domestic Background Patent at reasonable terms, including reasonable royalties to responsible applicants on their request.

(3)(i) When a license to practice a domestic Background Patent in conjunction with any Subject Invention or any Specified Work Object for the technology where the work of the contract falls is requested, in writing, by a responsible applicant, and such Background Patent is not available as set forth in subparagraphs (g)(2)(i) or (ii) of this clause, the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Officer, in writing within the said six months, of any such request for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his licensee wishes to attempt to make available as set forth in subparagraphs (g)(2)(i) or (ii) of this clause. The Secretary shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Secretary or his designee, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (A) the Specified Work Object, or (B) the Subject Invention; and may be limited by the licensor for practice in the field of technology where the work of the contract falls.

(ii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for the governmental purpose of such foreign government if an embodiment of the Background Patent is not commercially available in that country. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with the Subject Inventions or Specified Work Objects in the field of technology where the work of the contract falls.

(iii) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the field of technology where the work of the contract falls, or where the Contractor has made available the Commercial Item as set out in subparagraphs (g)(2)(i) or (ii) of this clause.

(4) For use in the field of technology where the work of the contract falls in conjunction with (A) any Specified Work Object, or (B) and Subject Invention, the Contractor agrees

to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free, and worldwide to practice such patent which is not available as a Commercial Item as specified in subparagraphs (g)(2)(i) or (ii) of this clause for use of the Government in connection with research, development, or demonstration work only. Subject to the royalty-free license provided for in this subparagraph and to any license provisions set forth elsewhere in this patent clause, or in other contracts or agreements, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object may be additionally limited by the Contractor to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under the contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patent shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensations, the Contractor's obligation to license his Background Patent shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer, the Contractor shall identify and describe any license agreement which would limit his right to grant a license under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as the Commercial Item as specified in subparagraphs (g)(2)(i) or (ii) of this clause, and a qualified applicant requests a license under such patent for practice in the field of technology where the work of the contract falls in connection with the use of any Subject Invention or any Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this paragraph:

(i) A parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity; and

(ii) Affiliated companies are companies or other entities owned or controlled by the same parent company.

§ 14R-9.107-7 Foreign contracts.

The clause authorized for contracts in §§ 14R-9.107-5 and 14R-9.107-6 may be modified by the Contracting Officer in consultation with the Solicitor or his designee to meet the requirements peculiar to foreign procurement.

§ 14R-9.108 [Reserved]

§ 14R-9.109 Administration of patent clauses.

§ 14R-9.109-1 Patent rights follow-up.

It is important that the Government and the contractor know and exercise their rights in inventions conceived or first actually reduced to practice in the course of or under Government contracts in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts having Patent Rights clauses should be so administered that:

(a) Inventions are identified, disclosed, and reported as required by the contract clauses;

(b) The rights of the Government in such inventions are established;

(c) When appropriate, patent applications are timely filed and prosecuted by the contractor, the inventor, or by the Government as appropriate;

(d) The filing of patent applications is documented by formal instruments such as licenses or assignments; and

(e) Expeditious commercial utilization of such inventions is achieved.

§ 14R-9.109-2 Follow-up by contractor.

(a) The Patent Rights clause requires contractors to establish and maintain effective procedures to ensure that inventions made under the contract are identified, disclosed, and when appropriate, patent applications filed, and that the Government's rights therein are established and protected. When it is determined after the award of a contract that the contractor or subcontractor may not have a clear understanding of the rights and obligations of the parties under a Patent Rights clause, a post-award orientation conference or letter should be used by OWRT to explain these rights and obligations. When reviewing a contractor's procedures, particular attention shall be given to ascertain their effectiveness for identifying and disclosing inventions.

(b) A qualified representative of the contractor shall furnish to the contracting officer interim reports upon request, and upon completion of the contract work, a final report setting forth:

(1) A list of all Subject Inventions made during the reporting period;

(2) A certification that all Subject Inventions have been disclosed or that there were no such inventions, and that the contractor's procedures for identifying and disclosing inventions have been followed throughout the period; and

(3) A list of all subcontracts entered into during the reporting period which contain a Patent Rights clause, together with copies of such subcontracts (if not earlier furnished to OWRT), or a statement that there were no such subcontracts.

(c) Ordinarily, inventions and discoveries will be reported on Form DI-1217 (copies of which shall be made available by OWRT) or on such other form that has been approved by OWRT. Reporting of inventions promptly and before the completion of the work under the respective contracts will aid patent clearance. Submission of annual interim reports, where contracts cover an extended period, will also facilitate the disposition of patent matters and expedite the issuance of final patent clearance.

§ 14R-9.109-3 Follow-up by Government.

(a) With respect to each contract, subcontract, or other agreement under their jurisdictions, the heads of OWRT's procuring activities are responsible:

(1) For assuring compliance with the provisions of this Part 14R-9 in executing or approving any contracts, subcontracts, other agreement, understandings, or other arrangements, or any supplements thereto. The Solicitor should be consulted to ensure that only authorized departure is made from the requirements set forth in these regulations and that all substantive and procedural rights required by Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, as cited in Section 408 of the Water Research and Development Act of 1978 are obtained;

(2) For transmitting the information furnished by the contractor as requested by the Solicitor;

(3) For reviewing, in consultation with the contractor, subcontractor, or vendor, arrangements for obtaining adequate patent agreements from employees and others performing work under any contract, subcontract, or other

agreements containing patent provisions in favor of the Government. (The form of such patent agreement actually in use or proposed for use shall be forwarded for approval to the Solicitor.);

(4) For forwarding a notice of completion or termination of the work and a request for patent clearance to the Solicitor for each contract, subcontract, or other agreement containing patent provisions giving rise to rights in the Government; and

(5) For withholding payments due to contractors in accordance with paragraph (i) of the clause § 14R–9–107–5(a) until, in the case of interim reports, a determination has been made in consultation with the Solicitor that existing deficiencies have been corrected or that delivery of all reports, disclosures, and other information have been made, or, in the case of final reports, receipt of written patent clearance certification from the Solicitor.

(b) Upon receipt of the notice of completion or termination as provided in paragraph (a)(4) of this section, a notice of patent clearance will be issued by the Solicitor when there has been to his best knowledge and belief compliance with the patent provisions.

(c) The Solicitor will assist contracting officers in selecting and negotiating patent provisions, and otherwise assist heads of OWRT's procuring activities, contractors, contracting officer, subcontractors, and vendors in: Reporting of inventions and discoveries; reviewing and providing patent clearance prior to publication or release of reports and proposed technical articles, and prior to public release or disclosure of information regarding scientific and technical developments made in the course of or under the contract; handling claims for patent and copyright infringement; the preparation of certificates to initiate patent clearances; and the handling of other patent matters.

(d) Patent application filing and determination of rights to inventions and discoveries. The Solicitor shall:

(1) Determine whether and where patent protection will be obtained on inventions;

(2) Represent OWRT before domestic and foreign patent offices;

(3) Accept assignments and instruments confimatory of the Government's rights to inventions; and

(4) Represent OWRT in patent matters not specifically reserved to the Secretary or his designee under these regulations.

§ 14R–9.109–4 Remedies.

If a contractor operating under a Patent Rights clause fails to establish, maintain, or follow effective procedures of identifying and disclosing inventions as required by the Patent Rights clause, or fails to correct any deficiency after notice thereof, the contracting officer may require the contractor to make available for examination books, records, and documents relating to inventions in the same field of technology as the contract to enable an agency determination of whether there are such inventions, and may invoke the withholding of payments provision. Further, the contracting officer may invoke the withholding of payments provision if a contractor fails to disclose an invention deemed by OWRT to be a Subject Invention.

§ 14R–9.109–5 Conveyance of invention rights acquired by the Government.

Whether the Government acquires the entire right, title, and interest in an invention pursuant to a contract or by operation of law, assignments shall be obtained from the inventor to the Government with the consent of the contractor, to perfect or confirm the Government's rights. The form of conveyance of title from the inventor to the contractor must be legally sufficient to convey the rights the contractor is required to convey to the Government.

§ 14R–9.109–6 Waivers.

(a) *General.* The Secretary or his designee may waive all or any part of the rights of the United States (other than certain rights prescribed in paragraph (i) of this section) with respect to any invention or class of inventions made or which may be made by any person or class of persons in the course of or under any contract of OWRT, if it is determined that the interest of the United States and the general public as set forth in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), and made applicable to OWRT in Section 408 of the Water Research and Development Act of 1978, Pub. L. 95–467, will best be served by such waivers. In making such determinations, the Secretary or his designee shall have the following objectives:

(1) Making the benefits of water research, development, and demonstration programs widely available to the public in the shortest practicable time.

(2) Promoting the commercial utilization of such inventions.

(3) Encouraging participation by private persons in OWRT's water research, development, and demonstration program.

(4) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

If it is not possible to attain each of these objectives immediately and simultaneously for any one waiver determination, the Secretary or his designee will seek to reconcile these objectives in light of the overall purposes of the patent policy sections of the Federal Nonnuclear Energy Research and Development Act of 1974, as made applicable to OWRT in Section 408 of the Water Research and Development Act of 1978. Over time, however, the application of this waiver policy is expected to attain each of these objectives. In addition to the patent policies provided by legislation, and where not inconsistent therewith, the Solicitor's waiver determinations will also be guided by the revised Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887–16892).

(b) *Advance waiver.* In determining whether a waiver to the contractor at the time of contracting will best serve the interests of the United States and the general public, the Secretary or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

(2) The extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

(3) The extent to which the contractor's commercial position may expedite utilization of the research, development, and demonstration program results;

(4) The extent to which the Government has contributed to the field of technology to be funded under the contract;

(5) The purpose and nature of the contract, including the intended use of the results developed thereunder;

(6) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed unde the contract;

(7) The extent to which the field of technology to be funded under the

contract has been developed at the contractor's private expense;

(8) The extent to which the Government intends to further develop to the point of commercial utilization the results of the contract effort;

(9) The extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

(10) The likely effect of the waiver on competition and market concentration;

(11) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program, approved by the Secretary or his designee as being consistent with the applicable policies of this section; and

(12) The small business status of the contractor.

(c) *Waiver of identified inventions.* In determining whether a waiver to the contractor or inventor of rights to an identified invention will best serve the interests of the United States and the general public, the Secretary or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercialization of such invention;

(2) The extent to which the plans, intentions, and ability of the contractor or inventor, will obtain expeditious commercialization of such invention;

(3) The extent to which the Government has contributed to the field of technology of the invention;

(4) The purpose and nature of the invention, including the anticipated use thereof;

(5) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the commercialization of the invention;

(6) The extent to which the field of technology of the invention has been developed at the contractor's expense;

(7) The extent to which Government intends to further develop the invention to the point of commercial utilization;

(8) The extent to which the invention is concerned with the public health, public safety, or public welfare;

(9) The likely effect of the waiver on competition and market concentration;

(10) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program, approved by the Secretary or his designee as being consistent with the applicable policies of this section; and

(11) The small business status of the contractor.

(d) *Procedures.* (1) All waiver determinations shall be initiated by a written request. Such requests may be submitted by existing or potential contractors in the case of requests for an advance waiver and by contractors or employee-inventors in the case of requests for waiver for identified inventions. A request for an advance waiver may also be made for an identified invention which has already been conceived and which reasonably may be first actually reduced to practice in the course of or under an OWRT contract. Such waiver requests must include a copy of the patent or patent application covering the identified invention.

(2) A request for an advance waiver shall be submitted to the contracting officer or to contractors for their subcontractors at any time prior to execution of the contract or within thirty (30) days thereafter, but should normally be submitted as part of the contract proposal. Advance waivers may also be requested where the purpose or scope of work of an existing contract is to be substantially altered. When advance waivers are granted, the rights set forth in paragraphs (b), (c), and (d) of the clause of § 14R–9.107–5(a) should be modified, to conform to the waiver granted.

(3) A request for waiver (other than advance waivers for an identified invention shall be submitted to the contracting officer at the time the invention is reported to OWRT, or not later than six (6) months after conception or first actual reduction to practice, whichever occurs first, or such longer period as may be authorized by the contracting officer for good cause shown in writing by the contractor or inventor.

(4) All requests for waiver received by OWRT or its contractors will be forwarded promptly to the Solicitor, together with any reference or supporting documents provided by the staff of the activity. If the request for waiver appears to contain insufficient information, the Solicitor may seek additional information from the requestor to supplement the request, and may also seek additional information from other sources. The Solicitor will thoroughly analyze the request in view of each of the objectives and considerations set forth in this § 14R–9.109–6, and shall also consider the overall rights obtained by the Government in the patent, copyright, and data clauses of the contract. Where it appears that a lesser part of the rights of the United States than requested would be more appropriate in view of the policies set forth in this § 14R–9.109–6, the Solicitor should attempt to negotiate a compromise acceptable to both the requestor and OWRT.

(5) The Solicitor will prepare and recommend a Statement of Considerations setting forth the rationale for either accepting or rejecting the waiver request. While the Statement need not make specific findings as to each and every consideration of paragraph (b) or (c) of this section, it will cover those that raise significant issues and those that are decisive, and it will explain the basis for the recommended determination. There may be occasions when the application of the various considerations in paragraphs (b) or (c) of this section to a particular case could cause conflicting results, and in those instances the differences will be reconciled giving due regard to the overall policies set forth in this § 14R–9.109–6.

(6) The Statement shall serve as a recommended basis for the waiver determination. The Solicitor will also obtain comments from the appropriate OWRT program division to assist the Secretary or his designee in the waiver determination.

(7) In making waiver determinations, the Secretary or his designee shall objectively review all requests for waiver in views of the objectives and considerations set forth in this § 14R–9.109–6. If this determination and the rationale therefor is not accurately reflected in the recommended Statement of Consideration, a new Statement shall be prepared.

(8) Where the request for advance waiver has not been approved prior to the effective date of the contract and the terms and conditions of the waiver has thus not been made a part of the contract, the contracting officer shall promptly notify the requestor by letter of the determination of the Secretary or his designee, and the basis therefor. If the advance waiver is approved, the letter shall state the scope, terms, and conditions of such waiver. Where the terms and conditions of an approved advance waiver have not been made a part of the contract, the letter shall inform the requestor that the advance waiver shall be effective (i) as of the effective date of the contract for an advance waiver of inventions identified, i.e., conceived prior to the effective date of the contract, or (ii) as of the date the invention is reported with an election by the contractor to retain rights therein, i.e., for an invention conceived or first actually reduced to practice after the effective date of the contract; provided a copy of the letter is signed and promptly

returned to the contracting officer by the requestor acknowledging the acceptance of the scope, terms, and conditions of the advance waiver. After the acceptance by the contractor of an advance waiver, the contracting officer shall cause a unilateral no-cost modification to be made to the contract incorporating the terms and conditions of the waiver in lieu of previous patent provisions. Whenever a requested determination has been denied, the requestor may, within thirty (30) days, request reconsideration. Such a request shall include any additional facts and rationale not previously submitted which support the request. Requests for reconsideration shall be submitted and processed in accordance with the procedures set forth in paragraph (d) of this section.

(e) *Content of waiver requests.* (1) All requests for waiver shall include the following information:

(i) The requestor's identification, business address, and, if represented by counsel, the counsel's name and address.

(ii) An identification of the pertinent contract or proposed contract and a copy of the contract statement of work or a nonproprietary statement which fully describes the proposed work to be performed.

(iii) The nature and extent of waiver requested.

(iv) A full and detailed statement of facts, to the extent known by or available to the requestor, directed to each of the considerations set forth in paragraph (b) or (c) of this section, as applicable, and a statement applying such facts and considerations to the policies set forth in paragraph (a) of this section. It is important that this submission be tailored to the unique aspects of each request for waiver, and be as complete as feasible; and

(v) The signature of the requestor or his authorized representative with the following statement:

> The facts set forth in this request for waiver are within the knowledge of the requestor and are submitted with the intention that the Secretary or his designee rely on them in reaching the waiver determination.

(2) Requests for waiver for identified inventions shall, in addition to paragraph (e)(1)(i)–(v) of this section include:

(i) The full names of all inventors;

(ii) A statement of whether a patent application has been filed on the invention, together with a copy of such application if filed, or, if not filed, a complete description of the invention;

(iii) If a patent application has not been filed, any information which may indicate a potential statutory bar to the patenting of the invention under 35 U.S.C. 102, or a statement that no bar or potential bar is known to exist; and

(iv) Where the requestor is the inventor, written authorization from the applicable contractor or subcontractor permitting the inventor to request a waiver.

(3) Subject to Department of the Interior regulations, requirements, and restrictions on the treatment of proprietary and classified information, all material submitted in requests for waiver or in support thereof will be made available to the public after a determination on the waiver request has been made, regardless of whether a waiver is granted. Accordingly, requests for waiver should not contain information or data that the requestor is not willing to have made public. If proprietary or classified information is needed to make the waiver determination, such information shall not be submitted unless specifically requested by the Solicitor.

(f) *Record waiver determinations.* The Solicitor shall maintain and periodically update a publicly available record of waiver determinations.

(g) *Waiver situations and types of waivers.* (1) The various factual situations which are appropriate for waivers cannot be categorized precisely inasmuch as the appropriateness of a waiver will depend upon the manner in which the considerations set forth in paragraph (b) or paragraph (c) of this section relates to the facts and circumstances surrounding the particulating contracting situation or the particular invention in order to best achieve the objectives set forth in paragraph (a) of this section. However, some examples of factors bearing on where waivers might be appropriate are the following:

(i) Cost sharing contracts;

(ii) Situations in which OWRT is providing increased funding to a specific on-going privately sponsored research, development, or demonstration project;

(iii) Situations involving the private use of Government facilities and the contractor is funding all or a part of such costs; and

(iv) Situations in which the equities of the contractor are so substantial in relation to that of the Government that the waiver is necessary to obtain the participation of the contractor.

(2) As stated in paragraph (a) of this section, waivers may be granted as to all or any part of the rights of the United States to an invention except for certain rights set forth in paragraph (i) of this section. Accordingly, the waiver of all patent rights that are inherent to an invention, rather than part of the rights, will not necessarily be appropriate. The scope of the waiver will depend upon the relationship of the contractual situation or identified invention to the considerations set forth in paragraph (b) or (c) of this section in order to best achieve the objectives set forth in paragraph (a) of this section. For example, waivers may be restricted to a particular field of use in which the contractor has substantial equities or a commercial position, or restricted to those uses that are not the primary object of the contract effort. Waivers may also be limited to particular geographical locations, may be made effective only for a specified duration of time, or may require the contractor to license others at reduced royalties in consideration of the Government's contribution to the research, development, or demonstration effort.

(3) In advance waivers of identified inventions, the invention will be deemed to be a Subject Invention and the waiver will be considered as being effective as of the effective date of the contract. This will be true regardless of whether the identified invention had been first reduced to practice under the contract. A purpose of such waivers is to clarify and definitize the rights of the parties to such inventions when the facts surrounding the first actual reduction to practice prior to or during the contract are or will be difficult to establish.

(h) *Waivers to educational institutions.* (1) Except to the extent that a nonprofit educational institution may be engaged as a contractor operating a Government-owned facility or undertaking other special contracts, the following considerations apply to the granting of advance and identified waivers to educational institutions having an approved technology transfer program and capability. To obtain approval of its technology transfer program, educational institutions shall forward their requests to OWRT as provided in paragraph (h)(2) of this section.

(2) A nonprofit educational institution desiring to obtain approval of its technology transfer program and capability shall provide OWRT at the time of contracting with the following information:

(i) General information concerning the institution, including:

(A) A copy of its Articles of Incorporation;

(B) A statement of the institution's purposes and aims; and

(C) A statement indicating the source of the institution's funds.

(ii) A copy of the institution's established patent policy, together with the date and manner of its adoption;

(iii) The name, title, address, and telephone number of the officer responsible for administration of patent and invention matters and a description of staffing in this area, including all offices which contribute to the institution's patent management capabilities;

(iv) A description of the institution's procedures for identifying and reporting inventions and a description of the procedures for evaluation of such inventions for inclusion in the institution's promotional program;

(v) A copy of the agreement signed by employees engaged in research and development, indicating their obligation in regard to inventions conceived or first actually reduced to practice in the course of their assigned duties;

(vi) A copy of the invention report form or outline utilized for preparation of invention reports;

(vii) A statement of whether the institution has an agreement with any patent management organizations or consultants and a copy of any such agreements;

(viii) A description of the plans and intentions of the institution to bring to the marketplace inventions to which it retains title including a description of the efforts typically undertaken by the institution to license its inventions together with copies of earnest offers or proposals to the institution from identified prospective licensee(s) to commit funds, facilities, proprietary background technology and know-how, and the services of personnel, to bring to the marketplace an invention or inventions to which the institution retains title;

(ix) A description of the institution's past patent application and patent licensing activities, including the following:

(A) Number of inventions reported to the institution during each of the past ten (10) years;

(B) Number of patent applications filed during each of the past ten (10) years;

(C) Number of patents obtained during each of the past ten (10) years;

(D) Number of exclusive licenses issued during each of the past ten (10) years;

(E) Number of nonexclusive licenses, other than those to sponsor Government agencies, issued during each of the past ten (10) years;

(F) Gross royalty income during each of the past ten (10) years;

(G) A general description of royalties charged, including minimum and maximum royalty rates;

(x) A list of subsidiary or affiliate institutions which would be covered by an agreement signed by the institution;

(xi) If the institution is a subsidiary or affiliate organization, the name of the other related organization and a description of the relationship;

(xii) The amount of Government support for research and development activities currently being administered by the institution, giving Government agency and breakdown;

(xiii) A statement of the institution's policies with respect to the sharing of royalties with employees; and

(xvi) A description of the uses made of any net income generated by the institution's patent management program.

(3) Before an institution's technology transfer program and capabilities are approved for the contracting, the institution shall have a technology transfer program which, as a minimum shall include the five (5) criteria listed below:

(i) An established patent policy which is consistent with the four policy objectives in § 14R–9.109–6(a) and is administered on a continuous basis by an officer or organization responsible to the institution.

(ii) Agreements with employees requiring them to assign to the institution or its designee or the Government any invention conceived or first actually reduced to practice by them in the course of or under Government contracts and awards or assurance that such agreements are obtained prior to the assignment of personnel to Government-supported research and development projects;

(iii) Procedures for insuring that inventions are promptly identified and timely disclosed to the officer or organization administering the patent policy of the institution;

(iv) Procedures for insuring that inventions disclosed to the institutions are evaluated for inclusion in the institution's promotional program for the licensing and marketing of inventions.

(4) In considering approval of technology transfer programs and capabilities in connection with requests for waivers, such approval shall be considered in lieu of commercial, manufacturing, and marketing capabilities which normally reside in industry. Such approval shall not be considered sufficient in and of itself as justifying the granting of a waiver to an institution. Approval of the grant of a waiver must be viewed in light of the considerations of § 14R–9.106(b) or (c) above, as applicable, and the four objectives set forth in § 14R–9.109–6(a) above.

(i) *Terms and conditions of waivers.* Each waiver shall contain, as a minimum, provisions covering each of the following:

(1) Advance waivers shall apply only to inventions reported in accordance with paragraph (e)(2)(i) of the clause of § 14R–9.107–5(a) and with which is included an election as to whether the contractor will retain the rights waived in the invention, and specifying those countries in which rights will be retained.

(2) Subject to the rights granted in paragraphs (c)(1), (2), and (3) of the clause of § 14R–9.107–5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire domestic right, title, and interest in any Subject Invention when the contractor or inventor as appropriate:

(i) Does not elect, in accordance with (i)(1) of this section to retain such rights; or

(ii) Fails to have a United States patent application filed on the invention in accordance with paragraph (i)(5) of this section, or decides not to continue prosecution of such application; or

(iii) At any time, no longer desires to retain title.

(3) Subject to the rights granted in paragraph (c)(1), (2), and (3) of the clause of § 14R–9.107–5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire right, title, and interest in any Subject Invention in any foreign country if the contractor or inventor, as appropriate:

(i) Does not elect, in accordance with paragraph (i)(1) of this section to retain such rights in the country; or

(ii) Fails to have a patent application filed in the country on the invention in accordance with paragraph (i)(6) of this section, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the contractor or inventor shall notify the contracting officer or patent counsel not less than 60 days before the expiration period for any action required by the foreign patent office.

(4) Conveyances requested pursuant to paragraph (i) (2) or (3) of this section shall be made by delivering to the Solicitor duly executed instruments and such other papers as are deemed necessary to vest in the Government the entire right, title, and interest in the invention to enable the Government to apply for and prosecute patent applications covering the invention in

this or the foreign country, respectively, or otherwise establish its ownership of the invention.

(5)(i) With respect to each invention in which the contractor has an advance waiver and elects to retain domestic rights pursuant to paragraph (i)(1) of this section, the contractor shall have a domestic patent application filed within 6 months after submission of the invention disclosure pursuant to paragraph (e)(2)(i) of the clause of § 14R–9.107–5(a) or such longer period as may be approved by the Solicitor for good cause shown in writing by the contractor or inventor. For identified inventions waived to the contractor or inventor, the contractor or inventor shall have a domestic patent application filed within 6 months after the waiver has become effective. With respect to such inventions, the contractor or inventor shall promptly notify the Solicitor of any decision not to file an application.

(ii) For each Subject Invention on which a patent application is filed by the contractor or inventor, the contractor or inventor shall:

(A) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously has been filed deliver to the Solicitor a copy of the application as filed, including the filing date and serial number;

(B) Include the following statement in the second paragraph of the specification of the application and any patents issued on a Subject Invention. "The Government has rights in this invention pursuant to Contract No.———— (or Grant No.————) awarded by the Office of Water Research and Technology of the United States Department of the Interior."

(C) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the Solicitor a duly executed and approved instrument fully confirmatory of all rights to which the Government is entitled, and provide the Solicitor an irrevocable power to inspect and made copies of the patent application filed;

(D) Provide the Solicitor with a copy of the patent within 2 months after a patent is issued on the application; and (E) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the Solicitor of any decision not to continue prosecution of the application and deliver to the Solicitor executed instruments granting the Government a power of attorney.

(iii) For each invention in which the contractor initially elects pursuant to paragraph (i)(1) of this section not to retain the rights waiver, the contractor shall inform the Solicitor promptly in writing of the date and identity of any on sale, public use, or public disclosure of the invention which may constitute a statutory bar under 35 U.S.C. 102, which was authorized by or known to the contractor, or any contemplated action of this nature.

(6)(i) With respect to each invention in which the contractor elects pursuant to paragraph (i)(1) of this section to retain the rights waived in a foreign country, or in which the contractor or inventor has obtained a waiver of foreign rights on an identified invention, the contractor or inventor shall have a patent application filed on the invention in that country, in accordance with applicable statutes and regulations, and within one of the following periods:

(A) Eight (8) months from the date of a corresponding United States patent application filed by the contractor or inventor, of if such an application is not filed, 6 months from the date the invention is submitted in a disclosure pursuant to paragraph (e)(2)(i) of the clause of § 14R–9.107.5(a);

(B) Six (6) months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications where such filing has been prohibited by security reasons; or

(C) Such longer period as may be approved by the Solicitor.

(7) The contractor or inventor shall, three years after a waiver is effective as to an invention, and at three-year intervals thereafter, and when specifically requested by the Solicitor, furnish the Solicitor a report setting forth:

(i) The commercial use that is being made, or is intended to be made, of said invention, and

(ii) The steps taken to bring the invention to the point of practical application or to make invention available for licensing.

(8) The Government's retention of at least a nonexclusive, irrevocable, paid-up license to make, use, and sale the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Secretary or his designee determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(9) The right of the Secretary or his designee to require the granting of nonexclusive, exclusive, or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances:

(i) To the extent that the invention is required for public use by Government regulations;

(ii) As may be necessary to fulfill health, safety, or energy needs; or

(iii) For such other purposes as may be stipulated in the applicable agreement.

(10) The right of the Secretary or his designee to terminate such waiver in whole or in part unless the recipient of such waiver demonstrates to the satisfaction of the Secretary or his designee that effective steps have been taken, or within a reasonable time thereafter are expected to be taken, necessary to accomplish substantial utilization of the invention.

(11) The right of the Secretary, or his designee, commencing four years after a waiver is effective as to an invention, to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, and in appropriate circumstances to terminate the waiver in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing;

(i) If the Secretary or his designee determines upon review of such material as he deems relevant, and after the recipient of the waiver, or other interested person, has had the opportunity to provide such relevant and material information as the Secretary or his designee may require, that such waiver has tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(ii) Unless the recipient of the waiver demonstrates to the satisfaction of the Secretary or his designee at such hearing the he has taken effective steps, or within a reasonable time thereafter is expected to take such steps necessary to accomplish substantial utilization of the invention.

(j) *Terminations.* (1) Any waiver may be terminated at the discretion of the Secretary, or his designee, in whole or in part, if the request for waiver is found to contain false material statements or nondisclosure of material facts, and such were specifically relied upon in reaching the waiver determination.

(2) Any waiver, as applied to particular invention, may be terminated at the discretion of the Secretary, or his designee, in whole or in part, if the requirements set forth in paragraph (i) of this section (Terms and conditions of

waivers) have not been fulfilled, and such failure is determined by the Secretary or his designee to be material and detrimental to the interests of the United States and the general public.

(3) Prior to terminating a waiver under paragraph (j)(1) or (j)(2) of this section, the recipient of the waiver will be given written notice of the intention to terminate the waiver, the extent of such proposed termination and the reason therefor, and a period of 30 days, or such longer period as the Secretary or his designee shall determine for good cause shown in writing, to show cause why the waiver should not be so terminated.

(4) All terminations of waivers shall be subject to the rights granted in paragraph (c)(1) of the clause of § 14R-9.107-5(a), and when justified by equitable considerations termination shall normally be partial in nature, requiring the waiver recipient to grant nonexclusive or partially exclusive licenses to responsible applicants upon terms reasonable under the circumstances.

(k) *Effective date.* Waivers shall be effective on the following dates:

(1) For advance waivers of identified invention, i.e., inventions conceived prior to the effective date of the contract, on the effective date of contract, even though the advance waiver may have been requested after this date;

(2) For identified inventions under advance waivers, i.e., invention conceived or first actually reduced to practice after the effective date of the contract, on the date the invention is reported with the election to retain rights as to that invention; and

(3) For waivers of identified inventions (other than under an advance waiver), on the date of the letter notifying the requestor that the waiver has been granted.

§ 14R-9.110 Reporting of royalties.

In order that OWRT may be informed regarding royalty payments to be made by a contractor in connection with any procurement, construction, or operation where the amount of the royalty payments is reflected in the contract price, or is to be reimbursed by the Government, the negotiator shall (a) obtain from the offeror information concerning any royalty payments expected to be made in connection with the proposed procurement, construction, or operation, together with the names of the licensors and either the patent numbers involved or such other information as will permit identification of the patents and patent applications as well as the basis on which the royalties are to be paid, or (b) obtain from the offeror a certificate that the contract price includes no amount representing the payment of any royalty by the offeror directly to others in connection with the performance of the contract, or (c) insert in the contract the clause set forth below:

Reporting of Royalties

If this contract is in an amount which exceed $10,000 and if any royalty payments are directly involved in the contract or are reflected in the contract price to the Government, the Contractor agrees to report in writing to the Contracting Officer during the performance of this contract and prior to its completion or final settlement the amount of any royalties or other payments paid or to be paid by it directly to others in connection with the performance of this contract together with the names and addresses of licensors to whom such payments are made and either the patent numbers involved or such other information as will permit identification of the patents or other basis on which the royalties are to be paid. The approval of OWRT of any individual payments or royalties shall not stop the Government at any time from contesting the enforceability, validity or scope of, or title to, any patent under which a royalty or payments are made.

Subpart 14R-9.2—Technical Data and Copyrights

§ 14R-9.200 Scope of subpart.

This subpart sets forth OWRT's policy, procedures, and contract clauses with respect to the acquisition and use of technical data and copyrights in contracts or subcontracts entered into, with or for the benefit of the Government. The policy, as implemented by the procedures and contract clauses, is promulgated to comply with section 408, of the Water Research and Development Act of 1978, Public Law 95-467, which in a concluding proviso states:

That, subject to the patent policy of section 408, all research or development contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided in such manner that all information, data, and know-how, regardless of their nature or mediums, resulting from such research and development will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be usefully available for practice by the general public consonant with the purpose of this Act.

Thus, the statutorily mandated availability for practical utility of the contract's resulting informational products is carried out by this Subpart with provisions requiring acquisition by the Government of unlimited rights in all technical data produced in the performance of the contract, which are supplemented with further provisions ensuring compliance with the mandate by requiring where essential for use in connection with the practice of the informational products, the availability of contractor's proprietary data in the form of results obtained by their use through marketing in sufficient quantity and at reasonable price, or by licensing that proprietary data on suitable terms to the Government and third parties applying for such licensing.

§ 14R-9.201 Definitions.

For the purpose of this subpart, the following terms have the meanings set forth below:

(a) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work, or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include test, sampling, research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, all technical reports, catalog item identification, and related information. Technical data as used in this Subpart does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) "Proprietary Data" means technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, manufacturing methods, process, or treatments, including minor modifications thereof, or computer formatting, provided that such data are protectable and accordingly:

(1) Are not generally known or available from other sources without obligation concerning their confidentiality,

(2) Have not been made available by the owner to others without obligation concerning their confidentiality, and

(3) Are not already available to the Government without obligation concerning their confidentiality.

(c) "Contract Data" means technical data first produced in the performance of the contract, technical data which are specified to be delivered in the contract, technical data that may be called for under the Additional Technical Data

Requirements clause of the contract, if any, or technical data actually delivered in connection with the contract.

(d) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

§ 14R-9.202 Acquisition and use of technical data.

§ 14R-9.202-1 General.

(a) The provisions herein pertain to contracts other than those for the operation of a Government-owned facility and special contracts covered by § 14R-9.202.4. Under OWRT's broad charter to perform research, development, and demonstration work in water fields, and in operating Government-owned facilities, OWRT has extensive needs for technical data. The satisfaction of these needs and the achievement of OWRT's objectives through a sound data policy are found in the balancing of the needs and equities of the Government, industry, and the general public.

(b) It is important to keep a clear distinction between contract requirements for the furnishing of technical data on the one hand, and rights in the technical data furnished on the other. The legal rights which the Government acquires in technical data are set forth in a "Rights in Technical Data" clause of § 14R-9.202-3(e)(2). However, this clause does not obtain for the Government the delivery of any data whatsoever. Rather, known requirements for specific technical data to be furnished by the contractor shall be set forth as part of the contract (e.g., in the Statement of Work). An "Additional Technical Data Requirements" clause is included in this subpart to enable the Contracting Officer to require the contractor to furnish additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation of the kind of technical data which a contractor may be required to deliver under either the contract Statement of Work or the "Additional Technical Data Requirements" clause. This limitation is found in the withholding procedure of paragraph (e) of the "Rights in Technical Data" (long form) clause which provides that the contractor need not furnish "proprietary data." It is specifically intended that the contractor may withhold "proprietary data" even though a requirement for technical data specified in the Statement of Work or called for pursuant to the "Additional Technical Data Requirements" clause would seemingly require the furnishing of proprietary data. This withholding of proprietary data is the primary means by which the contractor may protect its proprietary position. However, in no event is withholding of data first produced in the performance of the contract to be sanctioned since not having been developed at private expense it cannot be proprietary for the purposes of withholding.

(c) There are, however, two situations where the Government, or its representatives, may need to have limited access to a contractor's proprietary data. First, paragraph (f) of the "Rights in Technical Data" (long form) clause gives the Contracting Officer's representatives the limited right to inspect at the contractor's facility the contractor's proprietary data which was withheld from delivery under paragraph (e) for the purpose of verifying that such data was properly withheld or to evaluate work performance. In carrying out the inspection, normally the Contracting Officer's representative is a Government employee, although he may be an employee of a Government contractor acting under an agreement to treat in confidence the proprietary data to be inspected. However, where the contractor whose data are to be inspected demonstrates that there would be a possible conflict of interest if the inspection were made by such a contractor employee, the Contracting Officer's representative may be limited to a Government employee. Paragraph (f) has a built-in exclusion from these inspection rights for "specific items of proprietary data" when they are so specified in the contract schedule. Such exclusions limit even OWRT's minimum rights of evaluating contract work performance and verifying that technical data withheld by the contractor is proprietary in fact. Such exclusions should be sparingly used, and only in situations where program personnel stipulate to the fact that OWRT has no need for access to the specified items to be excluded from paragraph (f), i.e., that the nondisclosure and nonaccessibility will not adversely affect the OWRT program involved. It should also be noted that paragraph (f) permits exclusion of "specific items" of proprietary data and, accordingly, should not be used to exclude classes of technical data or all technical data pertaining to specific items or process or classes of items or processes. The second situation, where the Government may have limited access to a contractor's proprietary data, is provided in paragraph (h) of the Rights in Technical Data (long form) clause. When used, paragraph (h) provides the Government the right to require the contractor to furnish with limited rights the proprietary data previously withheld under paragraph (e). In this situation, the limited rights in proprietary data and the Government's obligation for limited use and disclosure of such data as set forth in the Rights in Technical Data (long form) clause provides the means by which the contractor protects its proprietary position. Paragraph (h) will be used only where it is determined by OWRT that for programmatic reasons there is a need for the delivery of proprietary data to the Government. Where proprietary data is to be delivered under paragraph (h) and subparagraph (a) or (b) of the Limited Rights Legend is to be applied to the data, the contractor may, if he can show the possiblity of a conflict of interest regarding disclosure of such data to other contractors, limit or modify subparagraphs (a) or (b) as set forth in § 14R-9.202-3(e)(3), to exclude or include certain contractors.

(d) The contractor licensing provisions of paragraph (g) of the Rights in Technical Data (long form) clause enable OWRT to require limited licenses in proprietary contract data to be granted to the Government and responsible parties in certain circumstances. Such a license may parallel or supplement a license obtained in Background Patents under the provisions of paragraph (k) of the Patent Rights clause of Subpart 14R-9.1. Paragraph (g) is included in contracts for research, development, or demonstration where the limited license afforded therein may be necessary to ensure widespread commercial use or practical utilization of a subject of the contract including any Subject Invention. As explained in § 14R-9.202-3(e)(1), paragraph (g) provides that upon request by the Government or responsible third parties the contractor will grant to the Government and such responsible third parties a license in proprietary data only where such data in the form of results obtained by its use, i.e., essential equipment, articles, products, and the like which were the subject of the contract or are necessary for the practice of a Subject Invention, are not otherwise available or cannot be made available in a reasonable time as set forth in paragraph (g).

(e) It is the responsibility of prime contractors and higher-tier subcontractors, in meeting their obligations with respect to contract data, to obtain from their subcontractors the rights in, access to, and delivery of

such data on behalf of the Government. Accordingly, subject to the policy set forth in these regulations, and subject to the approval of the Contracting Officer where required, selection of appropriate technical data provisions for subcontracts is the responsibility of the prime contractor or higher-tier subcontractor. In many, but not all, instances, inclusion in a subcontract of the Rights in Technical Data (long form) clause of §§ 14R–9.202–3(e)(2) will suffice to obtain for the benefit of the Government the rights in and, if appropriate, access to technical data. Access by OWRT to technical data, i.e., the inspection rights afforded in paragraph (f) of the Rights in Technical Data (long form) clause, § 14R–9.202–3(e)(2) normally should be obtained only in first tier subcontracts having as a purpose the conduct of research, development, or demonstration work or the furnishing of supplies for which there are substantial technical data requirements as reflected in the prime contract. If a subcontractor refuses to accept technical data provisions affording rights in and access to technical data on behalf of the Government, the contractor shall so inform the Contracting Officer in writing and not proceed with the subcontract without written authorization of the Contracting Officer. In prime contracts (or higher-tier subcontracts) which contain the Additional Technical Data Requirements clause, it is the further responsibility of the contractor (or higher-tier subcontractor) to determine whether inclusion of such clause in a subcontract is required to satisfy technical data requirements of the prime contract (or higher-tier subcontract). As is the case for OWRT in its determination of technical data requirements, the Additional Technical Data Requirements clause should not be used at any subcontracting tier where the technical data requirements are fully known, and normally the clause will be used only in subcontracts having as a purpose the conduct of research, development, or demonstration. Prime contractors and higher-tier subcontractor shall not use their power to award subcontracts as economic leverage to inequitably acquire rights in the subcontractor's proprietary data for their private use, and they shall not acquire rights on behalf of the Government to proprietary data for standard commercial items unless required by the prime contract.

(f) Related to the acquisition and use of technical data are the contractor's rights in contract data as well as technical data furnished to the contractor by OWRT or its contractors. These rights are set forth in paragraph (b)(2) of each Rights in Technical Data clause of this Subpart and provide that the contractor may, subject to patent, security, and other provisions of the contract, use for its private purposes contract data it first produces in the performance of the contract provided that the contractor has met its data requirements (e.g., delivery of data in the form of progress or status reports specified to be delivered) as of the date of the private use of such data. It is not necessary that a "Final Report" be submitted in order to privately use data if all required progress and interim reports and other technical data then due have been delivered. Paragraph (b)(2) further provides that technical or other data received by the contractor in the performance of the contract must be held in confidence by the contractor in accordance with restrictions accompanying the data.

(g) an additional clause in this subpart includes that of paragraph § 14R–9.202–3(f)(2) entitled Rights in Data—Special Works which is to be used in place of or in addition to the Rights in Technical Data clause in contracts where a purpose of the contract is the production of copyrightable material, a substantial portion of which is to be first produced in the performance of the contract, such as motion pictures, television recordings, books, histories, fine art, etc. Where, during contract negotiations, it may be determined to purchase, i.e., "specifically acquire," unlimited rights in technical data, or to lease or obtain a license therein, or to obtain rights in existing data, an appropriate clause therefor should be obtained from the Solicitor. In situations where technical data including computer software are to be leased or licensed, the terms of any agreement restricting the Government's rights will be included in the contract as either a special provision or an agreement annexed thereto. Another clause, the Rights in Technical Data (short form) clause of § 14R–9.202–3(g)(2) is provided for use in research contracts with educational institutions and consultants. Such contracts may, for example, include those for conducting symposia, training or education, or other contracts not involving possible use of proprietary data.

§ 14R–9.202–2 Policy.

The technical data policy is directed toward achieving the following objectives:

(a) Making the benefits of the water research, development, and demonstration programs of OWRT widely available to the public for practical use in the shortest practicable time;

(b) Promoting the commercial utilization of the technology developed under OWRT programs;

(c) Encouraging participation by private persons in OWRT water research, development, and demonstration programs; and

(d) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

§ 14R–9.202–3 Procedures (supply, research, development, or demonstrations contracts).

(a) *Known requirements for technical data.* Technical data requirements are determined in relation to the intended use of that data, which in turn depends upon the intended use of the contract end item. In many contracts for research, the end item may often be a technical report or series of such reports, while in contracts beyond research the subject of the contract may be a feasibility model, an engineering or advance development model, or a prototype. The extent to which required technical data may be needed often depends on the level of maturity of design and perfection of the end item, and, for a demonstration plant or prototype may include data pertaining to performance, operational, and environmental testing, repair, maintenance, operation, quality assurance, detailed design, logistics, training, etc. Known technical data requirements shall be programmatically ascertained prior to contracting and shall be included in requests for proposals or disclosed during contract negotiations for incorporation as data requirements in the contract Statement of Work. In any event, the technical data actually delivered consonant with the requirements shall include, in addition to any progress or interim reports specified for delivery, a final report providing full coverage of the work done under the contract in the form specified by a paragraph to be added to the Statement of Work or Specification as follows:

A complete technical report shall be submitted to the Contracting Officer summarizing the state of the art and covering all work accomplished and results achieved under this contract, and including conclusions and recommendations derived therefrom. The final report shall include a complete disclosure of all materials, processes, and equipment employed, and shall be in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in

the circumstances, to enable any person skilled in the art to achieve the results of the work performed under the contract to the extent that is commensurate with the scope of the work. The Contractor shall furnish, to the extent applicable, drawings, specifications, and necessary operating and maintenance instructions concerning any equipment, item, or process developed under the contract to enable any person skilled in the art to make and use such equipment and perform such process by application of the most advanced state of the art achieved in the performance of this contract. Where appropriate, the report shall include recommendations for further improvements which would advance the future state of the art based on knowledge acquired in the performance of this contract. If this contract is with an individual or an educational institution and the right to publish has not been reserved by the Government, the Contracting Officer may at his option accept as the final technical report a publication describing the results accomplished in the research under the contract together with a report setting forth such additional information as may be necessary to complete the information specified hereinabove; provided, however, that a copy of the manuscript for such publication must have been submitted to the Contracting Officer for informational purposes at least 90 days prior to the date of publication or such shorter period as may be agreed to by the Contracting Officer.

(b) *Additional requirements for technical data.* In contracts for research, development, or demonstration, it is not normally possible or appropriate for the Government to ascertain all actual needs for technical data in advance of contracting. Accordingly the Additional Technical Data Requirements clause in paragraph (c) of this section shall normally be used in such contracts (and, if appropriate, in subcontracts) to enable the ordering of technical data as the actual need and requirement therefor became known during the course of the contract. If all technical data requirements are known in advance of contracting and are set forth in the contract Statement of Work, this clause need not be used. The Additional Technical Data Requirements clause should not normally be used in supply contracts because the required technical data therefor are ordinarily known in advance and thus are specified in the contract Statement of Work or Specification.

(c) Additional technical data requirement clause.

Additional Technical Data Requirements

(a) In addition to the technical data specified elsewhere in this contract to be delivered, the Contracting Officer may at any time during the contract performance, or within one year after final payment, call for the Contractor to deliver any technical data first produced or specifically used in the performance of this contract except technical data pertaining to items of standard commercial design.

(b) The provisions of the "Rights in Technical Data" clause included in this contract are applicable to all technical data called for under this "Additional Technical Data Requirements" clause. Accordingly, nothing contained in this clause shall require the Contractor to actually deliver any technical data, the delivery of which is excused by paragraph (e) of the "Rights in Technical Data" clause.

(c) When technical data are to be delivered under this clause, the Contractor will be compensated for appropriate costs for converting such data into the prescribed form, for reproduction, and for delivery.

(d) *Proposals.* The policy and procedures for treatment of proposal information solicited and unsolicited proposals are contained in § 14–4.5101 of these Regulations in which it is provided that proposals may be marked with the Notice set forth in § 14–4.5101–3. It is OWRT policy, in consideration of the contract award, to obtain unlimited rights in the technical data contained in the proposal unless the prospective contractor marks those portions of the technical information which he asserts as being proprietary data. If a contract is to be awarded based on a proposal even though it is marked with the Notice in § 14–4.5101–3, the prospective contractor is obliged under § 14–4.5101–3(a)(1) and (2) to identify the portions thereof which contain proprietary data. Data identified as proprietary data does not constitute a stipulation by the Government that it is in fact proprietary data.

(e) *Rights in technical data.* (1) The Rights in Technical Data (long form) clause set forth in paragraph (2) below will be used in all contracts having as a purpose the conduct of research, development, or demonstration or in contracts for supplies, or in any other contract where technical data are expected to be first produced under the contract, e.g., technical or architectural specifications, and computer software (including computer programs, computer software data bases, and computer software documentation), or where technical data are specified to be delivered in the contract or where the contract contains the Additional Data Requirements clause. In many contracting situations, the achievement of OWRT's objectives would be frustrated if the Government at the time of contracting did not obtain on behalf of responsible third parties and itself limited license rights in and to proprietary contract data. Where, for example, the contractor is required to license Background Patents, consideration should be given to securing coextensive license rights to the Government and responsible third parties at reasonable royalties, and under appropriate restrictions, for contract data which are proprietary data in order to practice the technology which is a subject of the contract, including Subject Inventions. The Rights in Technical Data (long form) clause is therefore provided with paragraph (g), except when no need therefor is demonstrated. Paragraph (g) will normally be sufficient to cover proprietary contract data for items and processes that were used in the contract and are necessary in order to insure widespread commercial use of a subject of the contract including Subject Inventions. The expression "subject of the contract" is intended to limit the license required in clause (g) to the fields of technology specifically contemplated in the contract effort and may be replaced by a more specific statement of the fields of technolgy intended to be covered in the manner described in § 14R–9.107–5(b)(9) of Subpart § 14R–9.1 of these Regulations pertaining to "Background Patents." Where, however, proprietary contract data cover the main purpose of basic technology of the research, development, or demonstration effort of the contract, rather than subcomponents, products, or processes which are ancillary to the contract effort, the limitations set forth in subparagraphs (1)–(4) of paragraph (g) should be modified or deleted. Paragraph (g) further provides that technical data may be specified in the contract as being excluded from or not subject to the licensing requirements thereof. This exclusion can be implemented by limiting the applicability of the provisions of paragraph (g) to only those classes or categories of proprietary data determined as being essential for licensing. Although contractor licensing may be required under paragraph (g), the final resolution of questions regarding the scope of such licenses, the terms thereof, including provisions for confidentiality and reasonable royalties, is then left to the negotiation of the parties with resolution of the issues being made, if necessary, by a court of competent jurisdiction. Accordingly, all OWRT contracts for research, development, or demonstration will contain the Rights in Technical Data (long form) clause of paragraph (2) except as noted in § 14R–9.202–4 and § 14R–9.202–3(f) and (g) and except contracts for standard commercial "off-the-shelf" supplies where technical data such as operating or repair manuals are routinely furnished with the supplies.

(2) *Rights in technical data clauses.*

Rights in Technical Data—Long Form

(a) *Definitions.* (1) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work, or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include test, sampling, research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, all technical reports, catalog item identification, and related information. Technical data as used herein does not mean financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets developed at private expense, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, process, or treatments, including minor modifications thereof, or computer formatting, provided that such data are protectable as trade secret and accordingly:

(i) Are not generally known or available from other sources without obligation concerning their confidentiality,

(ii) Have not been made available by the owner to others without obligation concerning their confidentiality, and

(iii) Are not already available to the Government without obligation concerning their confidentiality.

(3) "Contract Data" means technical data first produced in the performance of the contract, technical data which are specified to be delivered in the contract, technical data that may be called for under the "Additional Technical Data Requirements" clause of the contract, if any, or technical data actually delivered in connection with the contract.

(4) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Unlimited rights in contract data except as otherwise provided below with respect to proprietary data.

(ii) The right to remove, cancel, correct, or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if upon delivery of the data the propriety of such markings is not substantiated by the Contractor, in writing, to the satisfaction of the Contracting Officer. The Contractor will be notified of any such action contemplated under this subparagraph (b)(ii), and which will be taken if the Contractor fails to respond thereto so as to substantiate the propriety of the markings within 60 days.

(2) The Contractor shall have:

(i) The right to withhold proprietary data in accordance with the provisions of this clause.

(ii) The right to use for its private purposes, subject to patent, security, or other provisions of this contract, contract data it first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business, or financial data in the form of recorded information from OWRT or an OWRT Contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(3) Nothing contained in this "Rights in Technical Data" clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(c) *Copyrighted material.* (1) The Contractor agrees not to, without prior written authorization of the Contacting Officer, establish a claim to statutory copyright in any contract data first produced in the performance of the contract, and warrants that anyone who authors such contract data will have agreed, in writing, to the same. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf at least a nonexclusive, irrevocable, royalty-free, world-wide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit, and perform any such data copyrighted by the Contractor.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any material copyrighted by others without first granting or obtaining at no cost to the Government a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If such royalty-free license is unavailable and the Contractor nevertheless determines that such copyrighted material must be included in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall request the written authorization of the Contracting Officer to include such copyrighted material in the technical data without a license.

(d) *Subcontracting.* It is the responsibility of the Contractor to obtain from its subcontractors technical data and rights therein, on behalf of the Government, necessary to fulfill the Contractor's obligations to the Government with respect to such data. In the event of refusal by a subcontractor to accept a clause affording the Government such rights, the Contractor shall:

(1) Promptly submit written notice to the Contracting Officer setting forth reasons for the subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(2) Not proceed with the subcontract without the written authorization of the Contracting Officer.

(e) *Withholding of proprietary data.* Notwithstanding the inclusion of the "Additional Technical Data Requirements" clause in this contract or any provision of this contract specifying the delivery of technical data, the Contractor may withhold proprietary data from delivery, provided that the Contractor furnishes in lieu of any such proprietary data so withheld technical data disclosing the source, size, configuration, mating, and attachment characteristics, functional characteristics and performance requirements ("Form, Fit, and Function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.) or a general description of such proprietary data where "Form, Fit, and Function" data are not applicable. The Government shall acquire no rights to any proprietary data so withheld except that such data shall be subject to the "inspection rights" provision of paragraph (f), the "Contractor licensing" provision of paragraph (g), and, if included, the "Limited rights in proprietary data" provisions of paragraph (h).

(f) *Inspection rights.* Except as may be otherwise specified in this contract for specific items of proprietary data which are not subject to this paragraph, the Contracting Officer's representatives, at all reasonable times up to three (3) years after final payment under this contract, may inspect at the Contractor's facility any proprietary data withheld under paragraph (e) and not furnished under paragraph (h) for the purposes of verifying that such data properly fell within the withholding provision of paragraph (e), or for evaluating work performance.

(g) *Contractor licensing.* Except as may be otherwise specified in this contract as technical data not subject to this paragraph, the Contractor agrees that upon written application, it will grant to the Government and responsible third parties, for purposes of practicing a subject of this contract, a nonexclusive license in any contract data which are proprietary data on terms and conditions reasonable under the circumstances including appropriate provisions for confidentiality. "A subject of this contract" as used in this provision (g) means any product, item of manufacture, or process which was used in the effort covered by the contract's Statement of Work or Specification, and it includes Subject Inventions made under the contract. The licensing required may be limited to the field or fields of technology contemplated for this contract. Contractor shall not be obligated to license any data if the Contractor demonstrates to the satisfaction of the Solicitor that:

(1) Such data are not essential to the manufacture or practice of hardware designed or fabricated, or processes developed under this contract;

(2) Such data, in the form of results obtained by their use, have a commercially competitive alternative available.

(3) Such data, in the form of results obtained by their use, are being supplied by the Contractor or its licensees in sufficient quantity and at reasonable prices to satisfy market needs, or the Contractor or its licensees have taken effective steps or within

a reasonable time are expected to take effective steps to so supply such data in the form of results obtained by its use within a period of time set by the Solicitor upon a written request therefor by the Contractor.

(3) *Optional Clause—limited rights in proprietary data.* In research, development, or demonstration contracts and supply contracts where it is determined that delivery of proprietary data is necessary with limited rights in the Government, the Rights in Technical Data (long form) clause shall be supplemented by the additional paragraph (h) set forth below. It should be noted that this paragraph does not entitle the contractor to place a Limited Rights Legend on any technical data furnished to the Government under paragraph (h) below unless the Contracting Officer requests in writing delivery of identified technical data previously withheld under paragraph (e) of the rights in Technical Data clause. Paragraph (h) provides that proprietary data may be specified in the contract as being excluded from the delivery requirement of paragraph (h). Alternatively, the Limited Rights Legend specified in paragraph (h) may be made applicable to only those classes of proprietary data determined as being necessary for delivery with limited rights. In addition, when furnishing proprietary data with the Limited Rights Legend, subparagraphs (a), (b), and (c) thereunder may be modified as follows. When proprietary data is to be furnished only for evaluation, subparagraph (a) of the Limited Rights Legend shall be used, and subparagraphs (b) and (c), if otherwise inapplicable, may be deleted. When there is a programmatic requirement that proprietary data be disclosed to other OWRT contractors only for information or use in connection with work performed under their contracts, subparagraph (b) of the Limited Rights Legend shall be used, and subparagraphs (a) and (c) may be deleted, if otherwise inapplicable. In either of the foregoing examples, the contractor may, if he can show the possibility of a conflict of interest because of disclosure of such data to certain contractors or evaluators, exclude such contractors or evaluators from subparagraphs (a) or (b). If the data is required solely for emergency repair or overhaul, subparagraph (c) of the Limited Rights Legend shall be retained, and subparagraphs (a) and (b) may, unless otherwise applicable, be deleted. In the event it is determined that all of the subparagraphs (a), (b), and (c) of the Limited Rights Legend are to be deleted, the word "none" shall be inserted in the Legend after the colon (:).

(h) *Limited rights in proprietary data.* Except as may be otherwise specified in this contract as technical data which are not subject to this paragraph, the Contractor shall, upon written request from the Contracting Officer at any time prior to three (3) years after final payment under this contract, promptly deliver to the Government any "proprietary data" withheld pursuant to paragraph (e) of the "Rights in Technical Data" clause of this contract. The following legend and no other is authorized to be affixed on any "proprietary data" delivered pursuant to this provision, provided the "proprietary data" meets the conditions for initial withholding under paragraph (e) of the "Rights in Technical Data" clause. The Government will thereafter treat the "proprietary data" in accordance with such legend. However, at the written request of the Contractor, the restrictive period for the proprietary data of three (3) years, as appears in the legend, may be made a longer time upon approval thereof in writing by the Contracting Officer when found warranted by the Contractor's justification therefor in negotiations before submittal of such data under this provision.

Limited Rights Legend

This "proprietary data," is a trade secret of ———, and is submitted in confidence on ———, under Contract No. ——— (and Subcontract ———, if appropriate) with the Office of Water Research and Technology, United States Department of the Interior (and Purchase Order No. ———, if applicable). It may be duplicated and used by the Government with the express limitations that it may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Contractor, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the proprietary data be retained in confidence and not be further disclosed;

(b) This "proprietary data" may be disclosed to other Contractors participating in the Government's program of which this contract is a part for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed; or

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency repair or overhaul work, or other purpose(s) specified as follows (if no other, enter "NONE"): under the restriction that the "proprietary data" be retained in confidence and not be further disclosed.

These restrictions shall terminate three (3) years from the date of submittal stated in this notice.

This legend shall be marked on any reproduction of this data in whole or in part.

(4) *Acquisition of proprietary data-computer software.* Where it has been determined that delivery of proprietary computer software is necessary with limited rights in the Government, the Rights in Technical Data (long form) clause shall be supplemented by the addition of paragraph (h) set forth below. The Limited Rights Legend specified in paragrah (h) is applicable only to the proprietary computer software determined to be necessary for delivery with limited rights. Government acquisition of any rights in the software greater than the rights appearing from the numbered subparagraph of the Legend shall be specified in the contract, and, unless found impractical, stated on the Legend in additional subparagraphs.

(h) *Acquisition of proprietary data-computer software.* Upon written request of the Contracting Officer for any computer software which has been data withheld pursuant to paragraph (e) of this clause, the Contractor shall promptly furnish (including any data specifically identified in the contract as required to be furnished under this paragraph) such data. The following notice is authorized to be affixed to the data furnished and the Government will thereafter treat the data in accordance with such notice:

Restricted Rights Notice

This computer software is the property of ——— and is furnished under OWRT Contract No. ——— (and subcontract ———, if appropriate). It may not be used, duplicated, nor disclosed by the Government except as provided below or as otherwise stated in the contract.

The Government may:

(i) use this computer software with the computer for which it was acquired, including use at any Government installation to which the computer may be transferred;

(ii) use this computer software with a backup computer if the computer for which it was acquired is inoperative;

(iii) copy this computer software for safekeeping (archives) or backup purposes;

(iv) modify this computer software or combine it with other software, subject to the provision that where the derivative software contains portions which remain identifiable as proprietary data, such portions shall be subject to the same restricted rights;

(v) disclose this computer software for use by on-site employees of support service Contractors providing such Contractors agree to protect such computer software from unauthorized use or disclosure; and

(vi) treat this computer software, if it bears a copyright notice, as a published copyrighted work licensed without disclosure prohibitions to the Government with minimum rights in accordance with subparagraphs (i) through (iv) above.

Any greater rights which the Government may have acquired in this computer software are stated in the contract. This Notice shall be marked on any reproduction of this computer software, in whole or in part.

Where it is impractical to include the above notice on computer software in machine readable form, the following short form notice may be used in lieu thereof:

Restricted Rights Notice (Short Form)

Duplication, use, or disclosure is subject to restrictions stated in Contract No. ——— with (name of Contractor) ———.

(f) *Rights in data—special works.* (1) The clause set forth in paragraph (2) below shall be used in all contracts where the principal purpose or task of the contract is the production of copyrightable works, even though such works may incorporate uncopyrighted material or material previously copyrighted by the contractor or others. Such contracts include those:

(i) Primarily for production of motion pictures, or other audio-visual works, television recordings or scripts, musical compositions or arrangements, sound tracks or recordings, sculptures, paintings and other fine arts, photographs and other pictorial works, translations, adaptations, and the like;

(ii) For books, compilations, surveys, histories, or technology information pamphlets;

(iii) For works pertaining to management studies, support services, training, career guidance, or similar functions of a Government agency; and

(iv) For works pertaining to guidance or instruction of Government officials or employees in the discharge of official duties.

The clause in paragraph (2) below should be modified with the assistance of the Solicitor where the contract calls for the editing, translation, addition, or other modification of the subject matter of an existing work.

(2) *Rights in data—special works clause.*

Rights in Data—Special Works

(a) The term "Data" as used herein means recorded information regardless of form or characteristics, such as writings, musical and dramatic works, motion pictures, television and other audio-visual works, sound recordings, sculptures, paintings and other fine arts, or other pictorial works or reproductions, drawings or other graphic representations, and works of similar nature (whether or not copyrighted) which are to be delivered under this contract. The term includes data such as management studies and data produced under support services contracts but does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All data first produced or composed in the course of or under this contract shall be the sole property of the Government. Except with the prior written permission of the Contracting Officer, the Contractor agrees not to assert any rights at common law or in equity or establish any claim to statutory copyright in such data and warrants that anyone who authors such data will have agreed, in writing, to the same. The Contractor shall not publish or reproduce such data in whole or in part or in any manner or form, or authorize others so to do, without the written consent of the Contracting Officer until such time as the Government may have released such data to the public.

(c) The Contractor hereby grants to or will obtain for the Government a nonexclusive, irrevocable, royalty-free license throughout the world (1) to publish, exhibit, translate reproduce, deliver, perform, use, and dispose of, in any manner, any and all data which are not first produced or composed in the performance of this contract but which are incorporated in the work furnished under this contract; and (2) to authorize others to do as provided in (1) of this paragraph (c).

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, (1) for violation of proprietary rights, copyrights, or rights of privacy, arising out of the public translation, reproduction, delivery, performance, use, or disposition of any data furnished under this contract; or (2) based upon any libelous, defamatory, or other unlawful matter contained in such data. The provisions of this paragraph do not apply to material furnished to the Contractor by the Government and incorporated in data furnished under this contract.

(e) Nothing contained in this clause shall imply a license to the Government under any patent, or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(g) *Rights in technical data clause (short form).* (1) The clause set forth in paragraph (2) below may be used in contracts for basic research including grants, special support research agreements with educational institutions, contracts with consultants, contracts for symposia or for the conduct of training and educational programs, and in other contracts of a similar nature. This clause shall not be used in any contract where proprietary information of the contractor may be utilized in the performance of work under the contract, and in such instances the Additional Technical Data Requirements clause of § 14R–9.202–3(c) and the Rights in Technical Data (long form) clause of § 14R–9.202–3(e)(2) shall be used. The short form clause of this section shall not be used in situations involving long-term consultancy arrangements.

(2) *Rights in technical data clause—short form.*

Rights in Technical Data—Short Form

(a) *Definitions.* The definitions of terms set forth in 41 CFR 14R–9.201 apply to the extent these terms are used herein.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Unlimited rights in technical data first produced or specifically used in the performance of this contract;

(ii) The right of the Contracting Officer or his representatives to inspect at all reasonable times up to three (3) years after final payment under this contract all technical data first produced or specifically used in the contract (for which inspection the Contractor or its subcontractor shall afford proper facilities to Government employees);

(iii) The right to have any technical data first produced or specifically used in the performance of this contract delivered to the Government as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract.

(2) The Contractor shall have the right to use for its private purposes, subject to patent, security, or other provisions of this contract, technical data it first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business, or financial data in the form of recorded information from OWRT or an OWRT Contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(c) *Copyrighted material.* (1) The Contractor agrees not to, without prior written authorization of the Contracting Officer, establish a claim to statutory copyright on any contract data first produced in the performance of the contract and warrants that anyone who authors such contract data will have agreed, in writing, to the same. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf at least a nonexclusive, irrevocable, royalty-free, world-wide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit, and perform any such data copyrighted by the contract.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any material copyrighted by others without first granting or obtaining at no cost to the Government a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If such royalty-free license is unavailable and the Contractor nevertheless determines that such copyrighted material must be included in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall request the written authorization of the Contracting Officer to include such copyrighted material in the technical data without a license.

(h) *Rights in existing books, fine art, computer software, motion pictures or television recordings, or similar existing work.* (1) Where a contract has for an objective the purchase of an existing work protected by copyright, whether or not registered or marked by notice thereof, and a purpose of the purchase is to reproduce the work, or to undertake any other activity coming under the

copyright, the following clause shall be used. The Schedule of the contract may set forth limitations consistent with the purposes for which the material covered by the contract is being procured. Examples of these limitations in procurement of existing motion pictures or television recordings are (i) means of exhibition or transmission, (ii) time, (iii) types of audience, and (iv) geographical location. Consideration should be given to the modification of paragraph (b) of the clause in consultation with the Solicitor to make the indemnity coextensive with the rights acquired under paragraph (a) of the clause as limited by the Schedule of the contract.

(2) *Rights in existing work data clause.*

Rights in Data—Existing Works

(a) Except as otherwise provided in the Schedule of this contract, the Contractor hereby grants to the Government a nonexclusive, irrevocable, royalty-free license to distribute, perform, use, and exhibit the material called for under this contract for Governmental purposes throughout the world, and to authorize others to do so.

(b) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties, and on behalf of the Government, against any liability, including costs and expenses for (1) violation of proprietary rights, copyrights, or rights of privacy, arising out of the public translation, reproduction, delivery, performance, use, or disposition of any data furnished under this contract; or (2) any libelous or other unlawful matter contained in such data. The provisions of this paragraph do not apply to material furnished to the Contractor by the Government and incorporated in data furnished under this contract.

(i) *Contracts for the purchase or lease of existing computer software.* When purchasing or leasing existing computer software directly, rather than from a Federal Supply Schedule contact, it is important that the contract adequately describe the computer program or the computer data base, the form (tape, punch cards, disk packs) of the program to be delivered, and all the necessary documentation pertaining thereto. The contract should also specify the rights of the Government and any limitations on the right of the Government to use, disclose, or copy the computer software, such as the physical location, number of uses, or other conditions under which the computer software may be utilized. The provisions of § 14R–9.202–3(e)(4) should be used as a guide to assure that the Government obtains the necessary minimum rights to the purchased or leased computer software. The Contracting Officer shall consult with the Solicitor in drafting such rights provisions for these contracts.

§ 14R–9.202–4 Procedures—Government-owned, contractor-operated facilities.

(a) *General.* It is essential that OWRT maintain continuity in its programs which are implemented by contracts for the operation of Government-owned, contractor-operated facilities. Contract data first produced or specifically used in the performance of such contracts must be considered as integral to and remaining with the facility or plant after termination of such contracts and thus available to OWRT and its fututre contractors for the continued use of the facilities or plant. However, it is recognized that these contracts by their nature cannot always be subject to one set of prescribed contract provisions which will always apply. Accordingly, the Rights in Technical Data—Facility clause set forth in paragraph (c)(2) below is to be used as a basic or minimal clause which may be modified or expanded with the concurrence of the Solicitor to meet perticular contract situations.

(b) *Subcontracting.* Unless otherwise directed by the Contracting Officer, the contractor shall follow the policy and procedures of § 14R–9.202–1, 2, and 3 above, and shall employ the provisions of the Additional Technical Data Requirements clause of § 14R–9.202–3(c), and the Rights in Technical Data clause of § 14R–9.202–3(e)(2) where appropriate, except in subcontracts for the design of special production plants or facilities or specially designed equipment for such facilities or plants in which instances contractors shall include the provision of the Rights in Technical Data clause of § 14R–9.202–4.

(c) *Rights in technical data clause—Facility.* (1) Whenever a contract has as a purpose the operation of a Government-owned contractor-operated research or production facility, the clause set forth in subparagraph (2) of this paragraph shall normally be included in the contract. Inasmuch as this clause secures to the Government ownership, access to, and, if requested, delivery of all technical data first produced in the performance of the contract and access to and delivery of technical data which are specifically used in the performance of the contract, there is no need to include the Additional Technical Data Requirements clause of § 14R–9.202–3(c).

(2) Rights in technical data clause—facility.

Rights in Technical Data—Facility

(a) *Definitions.* (1) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work, or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein does not mean financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets developed at private expense, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, process, or treatments, including minor modifications thereof, provided that such data are protectable as trade secret and accordingly:

(i) Are not generally known or available from other sources without obligation concerning their confidentiality,

(ii) Have not been made available by the owner to others without obligation concerning their confidentiality, and

(iii) Are not already available to the Government without obligation concerning their confidentiality.

(3) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

(b) *Allocation of rights.* (1) The Government shall have:

(i) Ownership in all technical data first produced in the performance of the contract.

(ii) The right to inspect technical data first produced or specifically used in the performance of the contract at all reasonable times (for which inspection the proper facilities shall be afforded the Government by the Contractors and its subcontractors.

(iii) The right to have all technical data first produced or specifically used in the performance of the contract delivered to the Government or otherwise disposed of by the Contractor, either as the Contracing Officer may from time to time direct during the progress of the work or in any event as the Contracing Officer shall direct upon completion or termination of this contract, provided that nothing contained in this paragraph shall require the Contractor to actually deliver any technical data the delivery of which is excused by this Rights in Technical Data clause.

(iv) Unlimited rights in technical data specifically used in the performance of this contract except technical data pertaining to items of standard commercial design; the Contractor agrees to leave a copy of such technical data at the facility or plant to which such data relate, and to make available for

access or to deliver to the Government such data upon request by the Contracting Officer; provided that if such data are proprietary, the rights of the Government in such data shall be governed solely by the provisions of paragraph (e) hereof—"Limited Rights in Proprietary Data."

(v) The right to remove, cancel, correct, or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if upon delivery of the data the propriety of such markings is not substantiated by the Contractor, in writing, to the satisfaction of the Contracting Officer. The Contractor will be notified of any such action contemplated under this subparagraph (b)(v), and which will be taken if the Contractor fails to respond thereto so as to substantiate the propriety of the markings within 60 days.

(2) The Contractor shall have:

(i) The right to withhold its proprietary data, subject to the provisions of this clause.

(ii) The right to use for its private purposes, subject to patent, security, or other provisions of this contract, technical data it first produces in the performance of this contract provided the data requirements of this contract have been met as of the date of the private use of such data. The Contractor agrees that to the extent it receives or is given access to proprietary data or other technical, business, or financial data in the form of recorded information from OWRT or an OWRT Contractor or subcontractor, the Contractor shall treat such data in accordance with any restrictive legend contained thereon, unless use is specifically authorized by prior written approval of the Contracting Officer.

(3) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses or other rights otherwise granted to the Government under any patent.

(c) *Copyrighted material.* (1) The Contractor agrees not to, without prior written authorization of the Contracting Officer, establish a claim to statutory copyright in any technical data first produced in the performance of the contract, and warrants that anyone who authors such contract data will have agreed, in writing to the same. To the extent such authorization is granted, the Government reserves for itself and others acting on its behalf at least a nonexclusive, irrevocable, royalty-free, worldwide license for Governmental purposes to publish, distribute, translate, duplicate, exhibit, and perform any such data copyrighted by the Contractor.

(2) The Contractor agrees not to include in the technical data delivered under the contract any material copyrighted by the Contractor and not to knowingly include any material copyrighted by others without first granting or obtaining at no cost to the Government a license therein for the benefit of the Government of the same scope as set forth in paragraph (c)(1) above. If the Contractor believes that such copyrighted material for which the license cannot be obtained must be included in the technical data to be delivered, rather than merely incorporated therein by reference, the Contractor shall obtain the written authorization of the Contracting Officer to include such material in the technical data prior to its delivery.

(d) *Subcontracting.* (1) Unless otherwise directed by the Contracting Officer, the Contractor agrees to use in subcontracts having as a purpose the conduct of research, development, or demonstration or in subcontracts for supplies, the contract clause provisions in 41 CFR 14R-9.202-3(c) and 41 CFR 14R-9.202-3(e)(2) in accordance with the policy and procedures at 41 CFR 14R-9.202-1, 2, and 3.

(2) It is the responsibility of the Contractor to obtain from its subcontractors rights, on behalf of the Government, in technical data necessary to fulfill the Contractor's obligations to the Government with respect to such data. In the event of refusal by a subcontractor to accept a clause affording the Government such rights, the Contractor shall:

(i) Promptly submit written notice to the Contracting Officer setting forth reasons for the subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Not proceed with the subcontract without the written authorization of the Contracting Officer.

(d) *Optional clause—limited rights in proprietary data.* In contracts where it is determined that delivery of proprietary data is necessary with limited rights in the Government, the Rights in Technical Data clause of this section shall be supplemented by the additional paragraph (e) set forth below. Paragraph (e) provides that technical data may be specified in the contract as being excluded from the delivery requirement thereof. Alternatively, paragraph (e) may be limited or made applicable to only those classes of proprietary data determined as being necessary for delivery with limited rights. In addition, when furnishing proprietary data with the Limited Rights Legend, subparagraphs (a), (b), and (c) thereunder may be modified as follows. When proprietary data is to be furnished only for evaluation, subparagraph (a) of the Limited Rights Legend shall be used, and subparagraphs (b) and (c), if otherwise inapplicable, may be deleted. When there is a programmatic requirement that proprietary data be disclosed to other OWRT contractors only for information or use in connection with work performed under their contracts, subparagraph (b) of the Limited Rights Legend shall be used, and subparagraphs (a) and (c) may be deleted, if otherwise inapplicable. In either of the foregoing examples, the contractor may, if he can show the possibility of a conflict of interest because of disclosure of such data to certain contractors, or evaluators exclude such contractors or evaluators from subparagraphs (a) or (b). If the data is required solely for emergency repair or overhaul, subparagraph (c) of the Limited Rights Legend shall be retained, and subparagraphs (a) and (b) may, unless otherwise applicable, be deleted. In the event it is determined that all of the subparagraphs (a), (b), and (c) of the Limited Rights Legend are to be deleted, the word "none" shall be inserted in the Legend after the colon (:).

(e) *Limited rights in proprietary data.* Except as may be otherwise specified in this contract as technical data which are not subject to this paragraph, the Contractor agrees to and does hereby grant to the Government a nonexclusive, irrevocable, paid-up license and right to use by or for the Government any proprietary data of the Contractor specifically used in the performance of this contract; provided, however, that to the extent that any proprietary data when furnished or delivered is specifically identified by the Contractor at the time of initial delivery to the Government or a representative of the Government, such data shall not be used within or otherside the Government except as provided in the "Limited Rights Legend" set forth below. All such proprietary data shall be marked with the following "Limited Rights Legend:"

Limited Rights Legend

This "proprietary data," furnished under Contract No.——— with the Office of Water Research and Technology, United States Department of the Interior (and Purchase Order No. ———, if applicable), may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Contractor, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the proprietary data be retained in confidence and not be further disclosed;

(b) This "proprietary data" may be disclosed to other Contractors participating in the Government's program of which this contract is a part for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed; or

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency repair or overhaul work under the restriction that the "proprietary data" be retained in confidence and not be further disclosed.

These restrictions shall terminate three (3) years from the date of submittal stated in this notice.

This legend shall be marked on any reproduction of this data in whole or in part.

§ 14R-9.202-5 Negotiations and deviations.

Contracting Officers shall contact the Solicitor for assistance to the Contracting Officer in selecting,

negotiating, or approving appropriate data and copyright clauses in accordance with the procedures as set forth in § 14R–9.107–4(k). In particular, advice of the Solicitor should be obtained regarding the appropriateness of modification of paragraphs (g) and (h) of the Rights in Technical Data (long form) clause, the exclusion of specific items of proprietary data from paragraph (f) in said clause, and the exclusion of the additional Technical Data Requirements clause of § 14R–9.202–3(c).

[FR Doc. 80–14474 Filed 5–9–80; 8:45 am]
BILLING CODE 4310–49–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 54a

Grants for Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Services and National Alcohol Research Centers

AGENCY: Public Health Service, HEW.

ACTION: Final technical amendments.

SUMMARY: These technical amendments delete from 42 CFR Part 54a language which repeats or does not conform to the provisions of 45 CFR Part 74 "Administration of Grants" and standardize certain language.

EFFECTIVE DATE: These technical amendments are effective May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara Souder, Legislative Analyst, National Institute on Alcohol Abuse and Alcoholism, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, Room 16–105, 5600 Fishers Lane, Rockville, Maryland 20857, Phone: 301/443–6370.

SUPPLEMENTARY INFORMATION: These technical amendments change regulations governing 42 CFR Part 54a (Grants for Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Services and National Alcohol Research Centers) Subparts A, B, and D promulgated September 11, 1978 (43 FR 40386), and Subpart E promulgated March 23, 1979 (44 FR 17920), by conforming certain provisions to 45 CFR Part 74 pertaining to the administration of HEW grants. Previously, because 45 CFR Part 74 applied only to grants to State and local governments, individual program regulations, such as 42 CFR Part 54a, contained requirements for the administration of grants to entities other than State and local governments. On August 2, 1978, HEW expanded the applicability of 45 CFR Part 74 to include grants to entities other than State and local governments. The purpose of these technical amendments is to delete those provisions pertaining to the administration of grants from 42 CFR Part 54a which duplicate 45 CFR Part 74 and to standardize certain other provisions.

HEW has determined that the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable, because those procedures are unnecessary. This determination is based upon the fact that these amendments neither impose new requirements upon grant recipients nor relieve them from existing requirements. The amendments merely remove requirements that duplicate the requirements of 45 CFR Part 74 and express existing requirements in clear, uniform language.

Accordingly, 42 CFR Part 54a is amended as set forth below.

(Catalog of Federal Domestic Assistance Program Nos. 13.252 Alcoholism Treatment and Rehabilitation/Occupational Alcoholism Services Program, 13.257 Alcohol Formula Grants, 13.891 Alcohol Research Center Program)

Dated: February 15, 1980.

Julius R. Richmond,

Assistant Secretary for Health.

Approved: April 11, 1980.

Patricia Roberts Harris,

Secretary.

PART 54a—GRANTS FOR ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION SERVICES AND NATIONAL ALCOHOL RESEARCH CENTERS

42 CFR Part 54a is amended as follows:

§ 54a.102 [Amended]

1. In § 54a.102 paragraphs (d) and (e) are deleted and reserved.

§§ 54a.103, 54a.104, and 54a.106 [Deleted and Reserved]

2. In Subpart A, §§ 54a.103, 54a.104, and 54a.106 are deleted and reserved and a new § 54a.107 is added as follows:

§ 54a.107 Other HEW regulations that apply.

Other HEW regulations which apply to grants under this part include, but are not limited to:

42 CFR Part 2—Confidentiality of alcohol and drug abuse patient records

45 CFR Part 15—Relocation assistance and real property acquisition policies

45 CFR Part 16—HEW grant appeals process

45 CFR Part 46—Protection of human subjects

42 CFR Part 50—PHS grant appeals process

45 CFR Part 74—Administration of grants

45 CFR Part 75—Informal grant appeals procedures (indirect cost rates and other cost allocations)

45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964

45 CFR Part 81—Practice and procedure for hearings under Part 80

45 CFR Part 84—Nondiscrimination on the basis of handicap in Federally assisted programs

45 CFR Part 86—Nondiscrimination on the basis of sex in Federally assisted programs

45 CFR Part 91—Nondiscrimination on the basis of age in Federally assisted programs

42 CFR Part 122—Health Systems Agency reviews

§ 54a.205 [Amended]

3. In § 54a.205 the first sentence of paragraph (b) is deleted and paragraphs (c)(2), (c)(3), (c)(4), and (c)(6) are deleted and reserved.

4. In § 54a.207 paragraph (c) is revised to read:

§ 54a.207 State plan; submission and review.

* * * * *

(c) *Assessment of progress.* The State agency shall submit reports to the Secretary every three years assessing the progress of the State in implementing its State plan in the form and manner and at the time(s) prescribed by the Secretary.

* * * * *

5. Section 54a.213 is revised to read:

§ 54a.213 State plan; personnel administration.

(a) *Merit system personnel.* The State plan must provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State agency in the administration or supervision of the administration of the State plan. Conformity, as determined by the U.S. Office of Personnel Management, with Standards for a Merit System of Personnel Administration, 5 CFR Part 900, will be considered as meeting this requirement. Current State laws, rules, regulations, and policy statements implementing the methods of personnel administration must be incorporated by reference in the State plan.

(b) *Nondiscrimination on the basis of prior alcohol abuse.* The State plan must incorporate by reference policies and procedures to assure that no qualified applicant for a position supported in whole or in part from funds made

available from the State's allotment will be denied employment solely on the basis of having or not having a prior history of alcohol abuse.

(c) *Other personnel.* The State plan must include professional standards to be followed in hiring individuals (other than employees under a government merit system) to carry out activities related to the implementation of the State plan. Such standards shall include schedules or other bases upon which the salaries of such personnel are determined and paid which shall be in accord with the usual and customary practices in the State.

§ 54a.215 [Amended]

6. In § 54a.215 paragraphs (c) and (g) are deleted and reserved.

§ 54a.403 [Amended]

7. In § 54a.403 paragraph (b) is deleted and reserved.

§ 54a.404 [Amended]

8. In § 54a.404:

a. The words "Contain an assurance" at the beginning of paragraphs (a) and (c) are deleted and the words "Provide evidence satisfactory to the Secretary" are substituted.

b. Paragraphs (d) and (e) are deleted and reserved.

c. The word "assurance" in paragraphs (p) and (q) is deleted and the words evidence satisfactory to the Secretary" are substituted.

d. The word "assurances" is deleted from paragraph (u) and the word "evidence" is substituted.

9. In § 54a.405 paragraphs (b), (c), and (d) are revised to read:

§ 54a.405 Evaluation and grant award.

* * * * *

(b) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed 5 years.

(c) Generally the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by HEW that continued funding is in the best interest of the government.

(d) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

10. Section 54a.406 is revised to read:

§ 54a.406 Expenditure of grant fund.

(a) Any funds awarded under this subpart shall be expended solely for the purposes of the grant award in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for the period, the Secretary may adjust the amounts awarded by withdrawing the excess.

§ 54a.407 [Deleted and reserved]

11. Section 54a.407 is deleted and reserved.

§ 54a.408 [Deleted and reserved]

12. Section 54a.408 is deleted and reserved.

§ 54a.504 [Amended]

13. In § 54a.504 the last sentence of paragraph (a) is deleted.

14. In § 54a.506 paragraphs (b), (c), and (d) are revised to read:

§ 54a.506 Grant awards.

* * * * *

(b) The notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed 5 years.

(c) Generally the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of those awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In any case, a grant award shall not exceed $1 million in any fiscal year. In all cases, continuation awards require a determination by HEW that continued funding is in the best interest of the government.

(d) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

§ 54a.507 [Amended]

15. In § 54a.507 the word "part" in the second line of paragraph (a) is deleted and the word "subpart" is substituted and paragraph (b) is revised to read:

* * * * *

(b) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary, provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for the period, the Secretary may adjust the amounts awarded by withdrawing the excess.

§ 54a.508 [Deleted and reserved]

16. Section 54a.508 is deleted and reserved.

§ 54a.509 [Deleted and reserved]

17. Section 54a.509 is deleted and reserved.

[FR Doc. 80-14472 Filed 5-9-80; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 34

Requirement for Equal Opportunity During Construction and Operation of the Alaska Natural Gas Transportation System

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: These rules institute procedures to carry out the requirements of Section 17 of the Alaska Natural Gas Transportation Act and Condition 11 of the President's *Decision.* Section 17 and Condition 11 require Federal officers and agencies to take affirmative action

to insure that no person will be excluded on the grounds of race, creed, color, national origin or sex from participating in any activity connected with the construction and operation of the Alaska Natural Gas Transportation System.

EFFECTIVE DATE: These rules are effective May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Edward E. Shelton, Director, Office for Equal Opportunity, Department of the Interior, Washington, D.C. 20240, (202) 343–5693.

SUPPLEMENTARY INFORMATION: On October 12, 1979, the Department of the Interior published in the **Federal Register** (44 FR 59096) a proposal to establish rules to implement Section 17 of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719, (ANGTA) and Condition 11 of the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, September, 1977, S.J. Res. 82, 91 Stat. 1268 (1977) (*Decision*). Public comments on the proposed rules were received through December 12, 1979.

On October 18, 1979, the Federal Energy Regulatory Commission issued an order proposing to attach the above described rules to the conditional certificates of public convenience and necessity issued to the project sponsors of the Alaska Natural Gas Transportation System (ANGTS) in the Commission's order issued December 16, 1977, Docket Nos. CP78–123 *et al.* The Commission's October 18, 1979, order invited comments on the proposed rules, as published by the Department of the Interior, and stated that the comments filed with the Department would be deemed to be comments filed with the Commission.

In addition, the Department of the Interior and the Federal Energy Regulatory Commission held informal public hearings on the proposed rules in seven cities: on November 5, 1979, in Chicago, Illinois; on November 6, 1979, in San Francisco, California; on November 7, 1979, in Seattle, Washington; on November 27, 1979, in Washington, D.C.; on November 28, 1979, in Anchorage, Alaska; on November 29, 1979, in Fairbanks, Alaska; on November 30, 1979, in Barrow, Alaska.

I. Background

The Alaska Natural Gas Transportation Act, 15 U.S.C. 719, (ANGTA) authorized the construction and operation of the Alaska Natural Gas Transportation System (ANGTS).

There are three companies that seek to construct the Alaska Natural Gas Transportation System which will be comprised of three distinct segments within the borders of the United States. A fourth segment running through Canada, connecting the Alaskan and lower-48 segments, will be constructed and operated by Canadian companies. Northwest Alaskan Pipeline Company (Northwest) will construct and operate the Alaskan leg of the system, the Northern Border Pipeline Company (Northern Border) will construct and operate the eastern leg of the system running from Canada to Illinois, and Pacific Gas Transmission Company (PGT) will construct and operate the western leg of the system running from Canada to California.

Under Section 17 ANGTA, Federal officers and agencies are required to take affirmative action to assure that no person will be excluded on the grounds of race, creed, color, national origin, or sex, from participation in any activity connected with the construction and operation of the Alaska Natural Gas Transportation System. Federal officers are authorized to implement and enforce Section 17 through the promulgation of rules, as may be necessary. Condition 11 of the President's *Decision*, which supplements the requirements of ANGTA, directs the companies that are authorized to construct and operate the system—the project sponsors—to develop plans to insure that discrimination on the basis of certain prohibited grounds does not occur. The plans developed must be approved by the Federal Inspector, who is the officer designated by Section 7 of ANGTA, and Reorganization Plan No. 1 of 1979, to monitor and enforce compliance with terms and conditions of all Federal authorizations issued to the companies.

The scope of Section 17 is broad. The language is almost identical to the language of Section 403 of the Trans-Alaskan Pipeline Act, 30 U.S.C. 185, which was passed in 1973 to facilitate the building of the Alaskan oil pipeline. The legislative history of Section 403 suggests that Congress intended to insure that minorities and minority business enterprises received an opportunity, to the maximum extent possible, to participate in the construction, operation, and maintenance of the oil pipeline.

From the remarks of Representative Yvonne Braithwaite Burke, the sponsor of Section 403, it appears that the affirmative action regulations for the oil pipeline were intended to be based upon the policies of Executive Order 11246, which prohibits discrimination by Federal contractors, and its implementing regulations, as well as the policies of the regulations prohibiting discrimination in Federal procurement programs and encouraging the use of minority business enterprises in those programs. In addtion, the legislative history shows that great flexibility was intended to be authorized in the range of enforcement mechanisms and sanctions that were to be employed to insure compliance with requirements under Section 403. Representative Burke's remarks indicated that the enforcement provisions of Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. Secs. 2000d and 2000e, and Executive Orders 11246 and 11625, were to be available under Section 403. Since the language of Section 17 of ANGTA is identical, in the most relevant aspects, to the language of Section 403 of the Trans-Alaska Pipeline Act, it is reasonable to assume that Congress intended the scope of Section 17 to be as broad as the scope of Section 403.

These affirmative action requirements have been patterned, in large measure, upon those promulgated by the Department of the Interior in regulations under the Trans-Alaska Pipeline Act, 43 CFR Part 27 (TAPS regulations). In addition, the regulations under Title VI of the Civil Rights Act of 1964 and Executive Order 11246 have also been the source of many of the requirements included here, as they were in the TAPS regulations. Certain changes from those regulations have been made to reflect the experience gained during the implementation of the TAPS regulations.

The primary differences between these requirements and the regulations for the oil pipeline are the expansion of requirements intended to increase the use of minority and female businesses in the procurement and subcontracting process, a revised procedure for the submission and review of affirmative action plans and the incorporation of the responsibilities and authority of the Federal Inspector, an official unique to this project.

The Federal Inspector's role, under ANGTA and the Reorganization Plan, is to act as coordinator, monitor, and enforcer of the various legal requirements and obligations with which the companies must comply. By the terms of the Reorganization Plan, the Office of the Federal Inspector will be abolished one year after the date of the initial operation of the ANGTS, at which time the enforcement functions of the Office will revert to the respective agencies that granted authorization pursuant to ANGTA. During the construction phase of the project, the

Federal Inspector will have an office, or officers, along the route of the pipeline in order to closely monitor the construction activities. Reorganization Plan No. 1 of 1979, which transfers the monitoring and compliance functions of the various Federal agencies to the Federal Inspector, provides the Federal Inspector with considerable discretion in the enforcement of Federal government regulations and requirements as they apply to ANGTS. These rules recognize the role of the Federal Inspector by providing for flexibility in their implementation, and by leaving to the Inspector's discretion the manner in which the rules should be enforced.

There are seven different Federal agencies that must grant authorization before action can go forward to construct ANGTS: The Department of the Interior, the Federal Energy Regulatory Commission, the Corps of Engineers, the Environmental Protection Agency, the Department of Transportation, the Department of Agriculture, and the Department of Energy (the authorizing agencies). In order to coordinate the efforts of all agencies charged with the responsibility to insure that improper discrimination does not occur in the construction and operation of the system, and to avoid conflicting or unduly burdensome regulation, the agencies have worked together in formulating and drafting a uniform set of rules to implement Section 17 and Condition 11 of the President's *Decision*.

II. Summary and Overview of the Final Rule

These regulations contain a hierarchy of requirements in order to implement the affirmative action mandate of Section 17 of ANGTA and Condition 11 of the President's *Decision*. The major responsibilities and the most detailed requirements fall upon the project sponsors, the companies which are best able to maintain such responsibilities because of their size, overall perspective, and control of the project.

Because of the way construction projects operate, these rules were drafted under the assumption that the number of employment opportunities that would be available for minorities and women, and the amount of subcontracting opportunities that would be available for minority and female businesses, would bear a substantial relation to the dollar value of the individual contracts awarded to perform work related to the ANGTS. It is likely that the larger the dollar value of a contract the greater the employment and the subcontracting opportunities would be for minorities and women. Thus, more stringent requirements are placed on the larger contractors in order to insure that the most likely source of major opportunities for minorities and women to participate in, and benefit from, the construction and operation of the system is tapped.

The central focus of the regulatory scheme and its starting point is with the project sponsors' affirmative action plans, most importantly the goals and timetables of those plans. Under the regulations, each sponsor will have an affirmative plan with goals and timetables applicable to its segment of the system. The regulations depend upon the project sponsors' plans and goals receiving the approval of the Federal Inspector and being in place before the rest of the regulatory scheme can proceed.

It is envisioned that the plans and goals of each of the project sponsors will be developed by the sponsor in the first instance, and then submitted to the Federal Inspector for review. After an initial review by the Federal Inspector, it is envisioned that each sponsor and the Federal Inspector will engage in a negotiation process to arrive at plans with goals that are realistic and that will achieve the maximum amount of opportunities possible for minorities and women to participate in the project. Once the project sponsors' goals are set, the regulations provide for publication of the goals so that members of the public can scrutinize the results of the negotiation process. (Section 34.8(d)(4)).

Because of the importance of the plans and goals of the project sponsors to the entire regulatory scheme as described below, the regulations provide that the plans must be in place within 120 days after these regulations are published in the **Federal Register.** (Section 34.8(a)(1)). The agencies anticipate that project sponsors will work with the Federal Inspector in developing their plans in good faith and with a cooperative spirit because the lack of good faith or cooperative spirit on the part of the project sponsors would be grounds for the imposition of sanctions by the Federal Inspector.

Goal Setting Procedures

The regulations provide some guidance for the project sponsors and the Federal Inspector to follow in setting goals. (Section 34.8(c)(2)(ii)(A) and (3)(ii)). Generally, the methodology used by nonconstruction Federal contractors to arrive at employment goals has been adopted as the methodology to be used by the project sponsors in setting segment-wide goals for the employment of minorities and women and the use of minority and female businesses in this project. When the project sponsors undertake the workforce analysis that is the starting point of the goal development process, the regulations advise that current national population statistics should be employed. (Section 34.8(c)(2)(ii)(A)(1)). This is because the agencies believe, based upon the experience with TAPS, that the workforce is likely to be drawn from the population of the United States as a whole.

If, however, there is a reasonable expectation that the workforce for a particular segment of the pipeline is likely to be drawn from a particular region of the country and not nationwide, then population statistics for that region should be used in formulating goals for that segment. This is more likely to be the case for portions of the pipeline that will be constructed in the lower-48 states. It may also be that the Alaskan segment will be expected to draw a greater portion of its workforce from the population of Alaska than from the lower-48 states, and in that event consideration should be given to weighting the population statistics so that goals will closely reflect the ethnic, racial and sexual breakdown of the likely and most probable workforce population.

Once the likely workforce population breakdown is obtained, certain factors must be taken into account in order to arrive at realistic goals. (Section 34.8(c)(ii)(A)(3)). For example, consideration should be given to the reasons why minorities or women may not currently hold jobs of a particular type in proportion to their existence in the general population. The reason may be discrimination in training; if so, then serious thought must be given to the extent that training could be provided in the time available before the work must be completed so that the number of minorities and women available with skills for the particular type of job could be in proportion to their existence in the population.

In other words, goals should be set taking into consideration both the existing skilled workforce and the size of the potentially skilled workforce which could exist if more training, including on-the-job training, were provided. It is well known that, while minorities and women may not currently hold certain types of jobs in significant numbers, those numbers could increase substantially if more training were provided in connection with real job opportunities.

The agencies are aware of the importance of training to any realistic increase in the participation of

minorities and women in construction projects of this sort, and encourage the project sponsors, the major contractors, unions, and other governmental agencies which have established training programs, to channel available resources towards providing the training that is required for minorities and women to participate in this project.

Once the project sponsors have completed the workforce analysis and set realistic goals for each of the segments, with the approval of the Federal Inspector, then all contractors and subcontractors can rely upon that work in undertaking their share of the affirmative action obligations. (Section 34.8(c)(2)(ii)(B)). It is not required that each contractor and subcontractor undertake an independent workforce analysis, rather, each may rely upon the work of the sponsors in setting its own goals to assist in achieving the overall goals set for the segment upon which it will work.

A procedure parallel to that used in the development of employment goals is required for the development of goals and timetables for minority and female business utilization. The project sponsors are required to develop goals for the use of minority and female businesses (MBE's and FBE's) in the construction and operation of their respective segments, and to consider certain factors in establishing the goals. (Section 34.8(c)(3)(ii)). The factors to be considered are: the availability and capability of existing MBE's and FBE's for each type of contract that will be let, the anticipated amount of contracting, the extent to which contracting and procurement procedures can be altered to afford MBE's and FBE's a greater opportunity to participate, and the extent to which new firms could be formed or existing firms assisted by the sponsor or a government agency to increase the MBE and FBE involvement in the project. As with the employment goals, these factors are to be considered in order to arrive at realistic goals that will affirmatively increase the use of MBE's and FBE's and not merely continue the status quo.

The entire process involves a filter-down effect. Once the segment-wide goals are set they are to be treated as part of the design specifications for the particular segment. (Sections 34.8(a)(1) and (b)(1)). The project sponsors and the Federal Inspector then must insure that each contractor and subcontractor shares in the obligation to achieve the goals. This is accomplished by including the goals in all bid specifications just like other elements of the design.

Employment Affirmative Action Plans

Firms which have a workforce of 50 or more people and which bid on contracts with a dollar value of $50,000 or more must submit a summary of an employment affirmative action plan with their bid which sets out the goals the bidder will attempt to achieve and the steps which will be taken towards achieving those goals. (Section 34.8(b)). The required steps should be familiar to most businesses because they are the same as required of Federal contractors under the regulations of the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). In the hiring of on-site construction workers, the same steps required of all Federal construction contractors must be followed, and in the hiring of all other workers the same steps required of all Federal nonconstruction contractors must be followed. (Section 34.8(c)(2)(i)).

This information, included with a bid, will enable contractors and the project sponsors to evaluate the bidder's ability to comply with these affirmative action requlations and the affirmative action obligations of the project sponsors and their contractors. In developing goals a bidder can rely upon the workforce analysis of the project sponsor to determine the minority and female population likely to be available for the jobs which the bidder would need to fill if the contract were awarded. The affirmative action plans of the project sponsors, with the workforce analysis, will have to be made available for bidders to review just as bidders may need to review the project designs in order to prepare a realistic bid. (Section 34.9(d)).

Any bidder which has a workforce of 50 or more, or will have if the contract is awarded, and who bids on a contract with a dollar value of $50,000 or more, may upon application to the Federal Inspector get an exemption from the requirement to present an affirmative action plan with the bid. (Section 34.8(d)(5)). The regulations authorize the Federal Inspector to grant such exemptions where the award of a contract to a particular firm will not result in significant employment opportunities. It is the intent of the agencies to concentrate upon those firms that will have available greater employment opportunities because of their ANGTS related business. Firms which, for example, will not need to hire new personnel to perform their ANGTS-related work will not offer the employment opportunities the agencies hope to target. As a result, such firms may obtain an exemption from the Federal Inspector and present the exemption in lieu of an affirmative action plan when the bid is submitted (Section 34.8(b)(1)). This sort of exemption is not available for the required MBE/FBE affirmative action plan.

MBE and FBE Affirmative Action Plans

All bidders for contracts with a dollar value of $150,000 or more must also submit an affirmative action plan that outlines the means by which the bidder will attempt to increase the use of minority and female businesses through subcontracting (an MBE/FBE plan). (Section 34.8(b)(3)). If a bidder does not have a workforce of fifty or more, it would only be required to develop an MBE/FBE plan and not an employment AAP. As with the affirmative action plan for employment, the MBE/FBE plan of a bidder will rely heavily upon the MBE/FBE plans of the project sponsors in arriving at goals for the use of minority and female businesses. (Section 34.8(c)(3)(iii)(C)). Steps that must be taken to reach the MBE/FBE goals, and which must be detailed in the bidder's plan, are parallel to the steps required to achieve the employment goals.

For the employment plans, the regulations rely heavily upon the regulations of the OFCCP which apply to Federal contractors. (Section 34.8(c)(2)(i)). The steps for the MBE/FBE plan are set out in greater detail than for the employment plans because there are not existing Federal regulations which achieve the same result and that can be readily adopted and incorporated by reference as was done with the employment affirmative action plans. In drafting the steps required for MBE/FBE plans (Section 34.8(c)(3)(iii)) the agencies attempted to provide sufficient detail to indicate what the agencies view to be necessary to achieve maximum participation by minority and female businesses in the project.

Review of Affirmative Action Plans

When a contract is awarded the affirmative action plan of the successful bidder becomes a part or term of the contract, subject to any changes that may be required by the Federal Inspector. (Section 34.8(b)(1)). At the time a contract wth a dollar value of $1,000,000 is awarded, the affirmative action plan of the successful bidder must be submitted to the Federal Inspector for review. (Sections 34.8(a)(2) and 34.8(d)). All MBE/FBE plans must be submitted to the Federal Inspector at the time a contract with a dollar value of $150,000 or more is awarded. (Section 34.8(b)(3)).

Work under all these contracts may go forward while the Federal Inspector reviews the plans, in order to avoid any significant delays in the construction of the project. The Federal Inspector, however, has the authority to require any action necessary to effect compliance with these regulations which includes directing that work under the contract cannot proceed if, in his judgment, an affirmative action plan is seriously deficient or the purpose of these regulations would be hindered.

Additional Requirements

In addition to the requirements outlined above, the regulations impose some other miscellaneous, but important, requirements. All contracts with a dollar value of $10,000 or more must contain (1) an assurance that the contractor and subcontractor do not maintain segregated facilities and will comply with these regulations (Section 34.5); and (2) the Equal Opportunity Clause outlined in the regulations (Section 34.6(a)–(e)). The project sponsors are required to include an Equal Opportunity Clause in any project labor agreement which may be entered into between the sponsors and any union. (Section 34.6(f)). The particular terms of the Equal Opportunity Clause included in a project labor agreement should be tailored to suit that agreement. Since the President's *Decision* vests in the Federal Inspector substantial and broad authority over any agreements between unions and the project sponsors, the agencies believed that the Federal Inspector will be in the best position to develop guidelines for the terms of the Equal Opportunity Clause to be included in a project labor agreement.

Complaints or Grievances

In order to resolve any complaints or grievances that may arise in the implementation of these regulations several provisions have been included. First, the companies must include in their affirmative action plans a grievance mechanism for resolving disputes. (Section 34.8(c)(4)). Second, complaints may be filed with the Federal Inspector within 180 days after the date of the action giving rise to the complaint occurred. (Section 34.10(b)).

The agencies are aware that the Federal Inspector and the Equal Employment Opportunity Commission (EEOC) are negotiating a Memorandum of Understanding between the two agencies which will coordinate and consolidate the enforcement of these regulations and Title VII of the Civil Rights Act of 1964. This Memorandum of Understanding will provide that the EEOC will process complaints filed under these regulations.

If a Memorandum of Understanding is not reached between the two agencies, the Federal Inspector will inform complainants of the steps to be followed to seek redress under these regulations and the steps to be followed to seek redress under other statutes administered by the EEOC and other agencies. Members of the public should be aware that other statutes and regulations, in addition to Section 17 of ANGTA and these regulations, provide a source of civil rights with respect to the construction and operation of the ANGTS.

III. Summary of Comments and Discussion

Some 45 written comments were received in addition to the many oral presentations made during the public hearings. The largest number of written responses came from minority and women's organizations. Those in the construction industry, including the project sponsors, contractors, and unions, provided the second largest source of comments. Several state and Federal agencies also filed comments. Finally, a number of individual citizens and one Congressman, Representative Parren Mitchell, filed written comments. The comments addressed a number of issues relating to the content and implementation of the rules. These issues are discussed below, along with the various changes that were made in response to the comments.

Issue: Implementation and Enforcement

No other issue attracted as much response from minority groups as the issue of whether the Federal Inspector's discretion should be restricted in the implementation and enforcement of these equal opportunity requirements. Several groups objected to a statement in the preamble of the proposed rule, which cited the Reorganization Plan No. 1 of 1979, that the Federal Inspector had the authority not to enforce any regulation that he determined would interfere with the expeditious construction of ANGTS. Rather, commenters recommended that the Federal Inspector should be directed to enforce these affirmative action requirements. In addition, there were a number of comments calling for the Federal Inspector to take certain specific steps to implement the regulations.

The general concern of many respondents with the scope of the Federal Inspector's discretion in implementing the regulations was based on the fear that, in the rush to complete the ANGTS, equal opportunity would be ignored. Commenters argued that Section 17 of ANGTA mandates equal opportunity and affirmative action and that, as a consequence, the Federal Inspector *must* enforce the implementing regulations. As a corollary to this, they argued, is the need in the regulations for firm guidance for the Federal Inspector as to what constitutes compliance and, further, what he should do in the event of noncompliance.

Several commenters recommended that the Federal Inspector's enforcement options should be listed in the regulations themselves, and not just listed in the preamble as was done for the proposed rules. The Department of Justice advised that the regulations should describe the sanctions and remedies available to the Federal Inspector in enforcing these regulations in order to inform the public as to the sanctions and remedies available under these regulations. Others recommended that the Federal Inspector should be given guidance, in the regulations, as to the choice of enforcement mechanisms and sanctions.

A number of recommendations addressed specific aspects of the implementing procedures. These recommendations included suggestions that the Federal Inspector should be required to act on complaints within 60 days; he should review affirmative action plans at least quarterly, instead of at least annually as proposed; the Federal Inspector should conduct an aggressive monitoring program, including required on-site reviews of contractors' affirmative action programs; he should hire an experienced staff to monitor compliance with the regulations; he should make use of existing monitoring agencies like the EEOC, the OFCCP, and the Alaska Human Rights Commission; and he should maintain several offices along the pipeline route. Some commenters recommended that the Federal Inspector establish a citizen's advisory board for monitoring compliance.

The final rules have adopted the recommendation that Section 34.11, now retitled "Enforcement Sanctions," should list the sanctions and remedies available to the Federal Inspector in the enforcement of the various Federal authorizations granted, pursuant to ANGTA—of which these equal opportunity rules are a part. The rules do not spell out the procedures to be used by the Federal Inspector before imposing these sanctions. Such procedures are left to the Federal Inspector to fashion in a manner that will best suit that office's needs. This is consistent with the agencies' general

view that the manner in which the Federal Inspector fulfills his responsibilities to implement and enforce these rules should be left to his discretion. The Federal Inspector will develop procedures for implementing these rules as well as for implementing his other duties under ANGTA and the Reorganization Plan. The procedures developed by the Federal Inspector pursuant to Sec. 34.10(d)(1) will be adopted as amendments to the regulations.

For the same reason, the final rule does not address the recommendations for staffing, office location, use of citizen's advisory boards, and the scope of agreements with other civil rights agencies. The recommendation that the Federal Inspector should act on complaints within 35 days has been incorporated in Section 34.10(d)(1).

Issue: Standards and Goals

This issue concerns whether the regulations should contain specific numerical goals or targets, or whether the regulations should allow flexibility in the development of goals, on a contractor-by-contractor basis, through negotiations between the Federal Inspector and the contractors. The proposed regulations adopted the latter approach, both for employment and for MBE and FBE contracting. Comments on this issue ranged from endorsement of the approach of the proposed regulation, to the call for stringent employment goals and minority business guarantees or set-asides, to one recommendation that goals should be disregarded altogether in favor of a policy that minorities should have an absolute right to all ANGTS jobs. The overwhelming majority of comments, however, recommended the setting of the goals in the regulations.

Employment Goals

Comments on the issue of employment goals focused on the use of two sets of regulations promulgated by the Department of Labor's Office of Federal Contract Compliance Programs applicable to Federal government contractors: regulations for Federal nonconstruction contractors that allow the contractor to set goals which must pass government approval, 41 CFR Part 60–2, and regulations applicable to Federal construction contractors which set minority hiring goals by region, 41 CFR Part 60–4. The proposed regulations incorporated 41 CFR Part 60–2 by reference, for application to both construction and other kinds of contracts.

As noted in the preamble to the proposed regulations, the OFCCP and the EEOC recommended that both Parts 60–2 and 60–4 should be incorporated and applied as appropriate. This position was supported by the comments from the project sponsors, contractors, and by two minority organizations. In addition, one individual observed that construction contractors are not equipped to perform the kinds of workforce analyses required in 41 CFR Part 60–2 to develop goals.

Opposing this view were two Alaskan Native organizations which believed that the OFCCP's published hiring goals for Alaska under 41 CFR Part 60–4 were too low. As a consequence, these groups supported the adoption of Part 60–2. One Alaskan Native organization observed that under Part 60–2 each minority group would have its own hiring goal, a concept not employed in Part 60–4, and thus recommended the use of Part 60–2. Another commenter cited the flexibility of Part 60–2 in support of its adoption.

Three other minority organizations pointed to the faults of each approach. The faults cited were that the Part 60–4 Alaska goals currently in effect are too low, the Part 60–4 program does not require written affirmative action plans, and the use of Part 60–4 would lead to the imposition of low goals where the pipeline was routed through sparsely populated areas, but that the Part 60–2 program goals are automatically suspect because they would be established by contractors.

The principle advantage of imposing goals on contractors is the savings in time and effort otherwise required to develop meaningful goals on a contractor-by-contractor basis. The principle advantage associated with negotiated goals is that goals thus developed are likely to reflect more realistic assumptions about available jobs and labor. However, the comments that most construction contractors are not equipped to do the labor force analysis necessary to set goals is valid. The final rule incorporates all of these concepts for the goal setting requirements, as described in the summary and overview section. In so doing, the final rule also adopts, in Section 34.8(c)(2), portions of the steps required by the OFCCP regulations applicable to Federal contractors at 41 CFR Part 60–2 and Part 60–4.

Minority and Female Business Enterprise (MBE and FBE) Utilization Goals

Several minority business organizations recommended that a certain portion of the ANGTS contracts should be set-aside for minority and female businesses. The figure recommended was 10 percent. In support of this view it was stated that the proposed regulations relied heavily upon "best efforts" showings, in lieu of the demonstrated efficacy of strict goals and set-asides for achieving minority participation.

It must be remembered that this is to be a privately financed and constructed project. Neither Congress nor the President provided that specific set-asides should be required, and the agencies do not believe it appropriate to impose such a requirement on their own authority.

The project sponsors supported the approach contained in the proposed regulations, and continued in the final rule, which allows the contractors to set goals which must be approved by the Federal Inspector. Nevertheless, they objected to the requirement that MBE and FBE goals must be set separately for different minorities and for different kinds of contracting activities. The Department of Justice counseled that, as a matter of good public policy, separate MBE goals should not be required for each minority group. Justice felt that such a requirement was too detailed and would prove exceedingly cumbersome to administer. The requirement was changed in the final rule.

Issue: Relationship of the Regulations to Existing EEO and MBE and FBE Programs

The commenters tended to address two aspects of this issue, recommending either that the regulations should require the Federal Inspector to coordinate with existing programs, or stating that the regulations do not take existing programs into account and are, therefore, either unnecessarily duplicative of existing regulations or, worse, are in conflict with them.

The Alaska Human Rights Commission questioned whether the Federal Inspector's authority would override the enforcement of state laws. The Human Rights Commission also recommended that in Alaska its organization should be used to process complaints and conduct other day-to-day monitoring functions. The Human Rights Commission advised that as a matter of policy the enforcement of equal opportunity requirements should be carried out by those agencies of the government—the Equal Employment Opportunity Commission and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP)—which have expertise and staff to conduct the task. Three other comments also called attention to the ongoing activities of the Alaska Plan, an organization that monitors voluntary

affirmative action programs of Alaskan contractors and unions.

Numerous commenters suggested that work-sharing arrangements could be established between the Federal Inspector and those agencies—with the Inspector possibly supplying some of the funding—whereby these agencies' personnel would process complaints under these rules, review affirmative action plans, monitor compliance, and otherwise handle routine matters.

In particular, the relationship of these regulations to those of the OFCCP under Executive Order 11246 was addressed by a number of commenters. These comments argued that the equal employment opportunity parts of the proposed regulations were redundant where they applied to contractors who are already subject to the requirements of Executive Order 11246.

The United States Steel Corporation recommended that for purposes of this project contractors subject to and in compliance with, Executive Order 11246 regulations, should be presumed to be in compliance with these regulations. Northern Border and Northwest recommended that contractors subject to Executive Order 11246 should be exempted from these regulations altogether. The Associated General Contractors of America pointed out that under Executive Order 11246 and Executive Order 12086, titled "Consolidation of Contract Compliance Functions for Equal Employment Opportunity," the proposed ANGTS regulations must be consistent with the regulations of the OFCCP. They did not believe that the regulations as proposed were consistent.

The agencies agree with many of these comments and encourage the Federal Inspector to coordinate the exercise of his responsibilities under these rules with the work of other agencies, particularly the OFCCP and EEOC, in related areas. The agencies are aware that negotiations are underway between the Federal Inspector and EEOC to draft a Memorandum of Understanding between the two agencies in order to coordinate their work with respect to this project. No attempt has been made in these rules to direct the Federal Inspector in the way in which he should coordinate his responsibilities under these regulations with the activities of other agencies or organizations because the agencies believe it best to leave to the Federal Inspector's discretion the choice of the most efficacious allocation of his staff and resources in order to carry out his monitoring and compliance functions.

In drafting these rules the agencies have used as a model the OFCCP regulations applicable to Federal contractors and have liberally borrowed concepts from those regulations. As a result, the agencies believe that these rules do not conflict with the OFCCP regulations. Companies which are Federal contractors will find that many of the requirements in these rules are identical to those already required of Federal contractors, however, particularly in the area of goal setting, these rules will require much less of many contractors and subcontractors than is required by the OFCCP regulations. As a result, many of the steps required to participate in the construction of this project will be quite familiar to those companies that are also federal contractors. Since these rules are similar, firms in compliance with the Department of Labor's rules will probably have no difficulty complying with these rules. The agencies, however, did not find it appropriate, in fulfilling the purposes of Section 17 and Condition 11, to make a general finding or a presumption that Federal contractors in compliance with Labor Department rules would automatically be in compliance with these rules.

In response to the Alaskan Human Rights Commission, the agencies would point out that these regulations are not intended to contain the exclusive equal employment and affirmative action rights and obligations with respect to this project. State civil rights laws will continue to apply, at least to the extent they are not in conflict with Section 17 of ANGTA and these regulations. The agencies fully expect that there will be a cooperative effort in the use of state and Federal resources to achieve a common equal employment and affirmative action objective.

Issue: Scope of Requirements: Required Contents of Affirmative Action Plans

Commenters addressing this issue usually were concerned about a variety of specific proposed requirements. Minority groups were more likely to suggest refinements in language to make the requirements more strict, while the project sponsors complained of too much detail and that the requirements were too strict. Comments on this issue were further divided into two additional groupings, those concerned about MBE and FBE provisions and those of a more general nature. The more general comments are summarized first.

Both PGT and Northern Border believed that the requirement in the proposed rule that affirmative action plans must be prepared for each of their "establishments" connected with the ANGTS—Section 34.8(a) of the proposed rule—was too broad. This concern was echoed by U.S. Steel. Both sponsors recommended that the requirement more closely track the language of ANGTA and refer to only ANGTS-related activities and facilities.

The objection to the use of the term "establishments" misinterpreted the scope of the proposed rule. As stated in Section 34.2, "Applicability," these regulations apply only to activities conducted under Federal authorizations issued pursuant to ANGTA. The scope of these rules, as stated in Section 34.2, is unchanged. In the process of drafting the final rule, the requirements for the preparation of affirmative action plans were restated and the word "establishment" no longer appears. As drafted, the final rule requires an affirmative action plan for ANGTS-related work.

Two minority organizations recommended that the sponsors and contractors preparing affirmative action plans should be required to consult with the affected minority groups. One commenter would require contractors to work with minority groups, use them to locate qualified workers, and otherwise to remove barriers to minority employment. Another recommended that copies of affirmative action plans should be sent to minority organizations for their comment. Consultation with minority and women's organizations is a step required by these regulations in the affirmative action process and is encouraged by the agencies.

The requirements concerning the review and approval of affirmative action plans by the Federal Inspector attracted comment on each side of the issue. One commenter recommended that the Federal Inspector should conduct onsite reviews of all contractors, where substantial employment or procurement opportunities exist, before the contracts or authorizations are awarded. The final rule retains the provision at Section 34.8(d)(2) that the Federal Inspector should consider making on-site inspections of the project sponsors' or their contractors' facilities. This has been left to the Federal Inspector's discretion, consistent with the policy previously stated.

Northwest opposed any pre-award review because of the potential for project delay. Northwest submitted, however, that if the concept of pre-award review were to be adopted in the final regulations, then time limits should be placed on the period in which the review must be completed. The final rule does not provide for pre-award

review. What is required is described in the section summarizing the regulations.

Much comment was directed toward the required content of affirmative action plans for minority and female business utilization. The project sponsors generally believed the MBE and FBE requirements of the proposed rule were too broad and too detailed. Citing Section 34.8(c)(3)(iv) of the proposed regulations, Northwest stated that many of the steps required there were both logical and desirable for any affirmative action program, nevertheless, it found the enumeration in the regulations to be unnecessarily detailed. By contrast, Northwest pointed to the program developed by the Office of Federal Procurement Policy (OFPP) published in the **Federal Register** on April 20, 1979, at 40 FR 23510–13 as a more appropriate model. Similarily, the Associated General Contractors of America pointed to the MBE program contained in the amendments to the Small Business Act Pub. L. No. 95–507.

The agencies believe that the detail in the MBE and FBE requirements provides the guidance necessary for the development of effective MBE and FBE affirmative action plans and to properly implement Condition 11 of the President's *Decision.* The MBE and FBE requirements, however, have been streamlined in the final rule.

MALDEF, the Mexican American Legal Defense and Educational Fund, believed, on the other hand, that the MBE/FBE program as proposed was a reasonable response to the plight of minority and female contractors. Other minority representatives suggested additions or amendments to the rules, including a mechanism to provide for financial assistance to MBE's and FBE's, and MBE and FBE advisory committee to the Federal Inspector, and elimination of the requirement for MBE's and FBE's to submit affidavits as to their status as minority and female owned and managed businesses.

The project sponsors objected to those portions of the proposed requirements which recommended that contractors consider giving financial assistance to assist MBE's and FBE's or to consider noncompetitive bidding for MBE's and FBE's. The final rule, however, retains the provision which requires that the sponsors and contractors consider the feasibility of providing financial assistance to MBE's and FBE's. While this provision does not mandate the sponsors or contractors to provide financial assistance, it does require them to at least explore methods of providing such assistance.

Since the government itself is deeply involved in the effort to establish and assist in the development of viable minority and female businesses, the project sponsors and their contractors should cooperate with the MBE and FBE assistance programs in both state and Federal agencies. Several Federal agencies offer assistance to MBE's and FBE's in their normal programs, and in some cases specifically in response to the ANGTS effort. These agencies include the Minority Business Development Agency in the Department of Commerce, the Small Business Administration, and the Department of Energy's Office of Small and Disadvantaged Business Utilization.

Finally, both Northwest and one other commenter recommended that minority and female businesses should be exempt from complying with the MBE and FBE affirmative action requirements altogether because, as Northwest pointed out, this exemption is itself an affirmative action that would help to make MBE's and FBE's more competitive. It was suggested that minority and female businesses also should be exempt from the requirements to develop affirmative action plans. Neither Section 17 of ANGTA nor Condition 11 of the President's *Decision* provide a basis for such an exemption, and for that reason one has not been incorporated.

Issue: Thresholds for Affirmative Action Plan Requirements

The proposed regulations adopted the OFCCP policy of requiring Federal contractors to submit affirmative action plans. The proposed regulations required all contractors with contracts over $50,000 to develop affirmative action plans covering their employment practices. For contracts over $150,000 the contractors had to have plans that also addressed minority and female business utilization. The plans of contractors with contracts of $500,000 or more were subject to review prior to the commencement of the contracts and additional information about their affirmative action commitments was required. The $50,000 threshold derived from the OFCCP requirements under Executive Order 11246 and the $150,000 threshold is contained in Condition 11 of the President's *Decision.*

The majority of comments about these thresholds expressed the belief that the thresholds were too low. One recommended that all the requirements imposed on the $500,000 contractors also should be applied to the $150,000 contractors. The Economic Development Administration (EDA) noted that the $500,000 threshold for pre-award reviews should be raised to $1,000,000 to be consistent with the Department of Labor's regulations applicable to Federal construction contracts. The Cook Inlet Native Association also believed the $50,000 threshold should include the additional criteria that a contractor also must have 50 or more employees before an affirmative action plan would be required. As EEOC has pointed out this would be in keeping with the Department of Labor's rules under Executive Order 11246. Northwest recommended higher thresholds as well.

Since the threshold for the development of an MBE and FBE affirmative action plan is contained in Condition 11 of the President's *Decision,* which has the force of law, the agencies were not free to alter that threshold in any way. It remains at $150,000 in the final rule.

The equal employment affirmative action plan threshold of $50,000 has also been retained, however, with an additional requirement that the contractor must have fifty or more employees, either full or part-time. This is consistent with the recommendation of EEOC and the requirements applicable to Federal contractors under the regulations of OFCCP. The fifty employee threshold was adopted in response to concerns that, in the aggregate, many employment opportunities would not be available in firms below this size and involve burdens that should not be placed on small contractors. Thus, affirmative action plans are now required of all contractors bidding on contracts of $50,000 or more where the contractor will have a workforce of fifty or more employees.

As in the proposed rule, these affirmative action plans will not be submitted to the Federal Inspector, but will be kept in the files of the contractors.

The final rule has increased from $500,000 to $1,000,000 the threshold for those contractors which are required to submit their affirmative action plans to the Federal Inspector at the time the contracts are awarded. This threshold has been raised in response to the arguments that the contracts below the $1,000,000 would account for a very small proportion of the employment opportunities. It will be more efficacious and efficient for the Federal Inspector to concentrate on review of the plans of those contractors over the $1,000,000 level which will offer the more significant employment opportunities, as a result of their work on the project. Contractors with contracts between $50,000 and $1,000,000, nevertheless, would be subject to reviews at the Inspector's discretion.

Issue: The Timing of Affirmative Action Plan Submissions and Reviews

Comments on the question of when affirmative action plans should be prepared and submitted to the Federal Inspector for approval, again, divided into two groups. Two minority organizations suggested that contractors should include their affirmative action plans in their bids so that the plans could be reviewed along with the technical specifications. One of the project sponsors believed that the 60-day period, allowed by Section 34.8(a) of the proposed regulations, for the sponsors and their prime contractors to submit prepared affirmative action plans was inadequate. The sponsor recommended a 120-day period as allowed by the Department of Labor. Finally, several minority representatives urged that no permits or certificates should be issued until the affirmative action plans and the goals and timetables are approved. The agencies believe that all of these suggestions are reflected in the final rule.

Issue: Training

The State of California's Division of Apprenticeship Standards criticized the regulations for the lack of emphasis on training programs to prepare minorities for ANGTS jobs. California pointed out that training and apprenticeship programs are traditionally the most appropriate method for assisting minorities to enter the workforce. This view was a common one raised at the public hearings and in the comments. Many pointed out that affirmative action goals will not be achieved and plans will not be successful if minorities are not capable of performing the work. Recommendations that training programs begin now were repeatedly made.

There are many Federal programs, available for training people to take ANGTS related jobs, the Comprehensive Employment and Training Act (CETA) program in the Department of Labor is a prime example.

In addition, labor unions are particularly equipped to provide training for the skills needed for this type of project. In these regulations, the agencies have tried to encourage the project sponsors and contractors to coordinate with these existing programs for the training that is necessary to increase the participation of minorities and women in this project.

Historically Alaskan natives have been disproportionately represented among the unemployed workers in Alaska. Many of those among this segment of the population, who desire to work, have little or no opportunity to fill available jobs because of their lack of the necessary skills. It is imperative that skills training programs are developed as soon as possible to prepare Alaskan Natives for job opportunities during the construction of the Alaska Natural Gas Transportation System. These programs should not be limited to developing skills for entry level jobs, but should also aim at equipping Alaskan Natives, as well as minorities and women, with skills that would qualify them for technical and management positions. The Department of Labor has been requested to coordinate its responsibilites for funding such training through its Comprehensive Employment and Training Act program with the Office of the Federal Inspector.

Issue: Applicability of the Regulations to Unions and Union Practices

A number of people with experience on the oil pipeline voiced in the public hearings a concern about the ability of the regulations to effectively reach unions and union practices. One organization urged that the agencies make special efforts to persuade unions to admit minorities and to become more involved in equal employment opportunity in their apprenticeship programs. The State of Alaska's Commission on the Status of Women recommended that the regulations require unions to submit affirmative action plans also, to hire EEO grievance officers, and to offer EEO training to union stewards.

The final rule has been revised to include a new section, Section 34.6(f), which requires that any project labor agreement entered into between the project sponsors and any labor union must be consistent with these rules and contain an Equal Opportunity Clause. Any such project labor agreement is, under the terms of the President's *Decision*, subject to the Federal Inspector's review. The President's *Decision* gives the Federal Inspector broad authority to control unions and labor practices generally during the construction of the pipeline. Since the scope of that authority is broader than these regulations, the Federal Inspector is requested to do all he can to encourage unions to assist in fulfilling the mandate of Section 17.

Issue: Native Preference

This issue concerns whether the regulations should allow, or establish, hiring and training preference for American Indians and Alaska Natives. This issue has been of specific concern to Alaskan Native organizations which have pressed for language which would allow such preferences. Several, who deplored the absence in ANGTA of a Native preference directive nevertheless, believed that the agencies have sufficient authority to require such a preference. One organization believed that the appropriate place for the Native preference requirement would be in the Department of the Interior right-of-way permit and not these regulations.

Other comments recommended that the final rule adopt the concept of Indian preference that is used in Title VII of the Civil Rights act of 1964, and in the regulations of the OFCCP.

This recommendation has been adopted to make clear that a voluntary Indian preference is not prohibited by these regulations. Section 34.8(c)(2)(iii) of the final rule adopts, by reference, the Indian preference provisions of the OFCCP regulations applicable to federal contractors, 41 CFR Section 60–2.12(j). This section of the OFCCP regulations provides that it is permissible for a contractor or subcontractor to extend a publicly announced preference for Indians living on or near Indian reservations, as authorized by 41 CFR 60–1.5(a)(6) and Title VII. As applied to Alaskan Natives this preference may be given to those living on or near a reservation which is within commuting distance of any project activity, but only as to that project activity. This preference must be consistent with 41 CFR Sections 60–2.12(j) and 60–1.5(a)(6). In addition, for the purpose of this employment preference "reservation" in Alaska shall be the same as in 25 CFR Sections 80.1, 91.1, and 93.1; that is, land held by either "Alaska Native Village Corporations" or "Alaska Native Regional Corporations."

Issue: Discrimination Against Women

Although the proposed regulations prohibited discrimination against women, a number of commenters recommended that various forms of sexual harassment should be specifically prohibited. In addition to prohibiting such practices, the commenters recommended that specific steps should be taken to provide women with the means to seek redress. These included women's counselors, training for managers and union stewards to handle problems of sexual harassment or discrimination, and a monitoring system to process complaints of harassment.

In response to these comments the proposed rule was revised to incorporate the concerns about sexual harassment. The term "discrimination" was redefined in Section 34.3(g) to include "harassment because of or on the basis of" sex, race, creed, color, or

national origin. Discrimination so defined is prohibited in Section 34.4. No other specific revisions were made to establish special procedures to prevent sexual harassment.

The agencies believe that the procedures of the regulations, combined with the continuing presence of the staff from the Federal Inspector's Office that will exist at the construction sites, can be effectively used to prevent the kind of discrimination against women about which the commenters were concerned.

These regulations were written by the Department of the Interior and the Federal Energy Regulatory Commission. Edward E. Shelton, Director, Office for Equal Opportunity, Department of the Interior coordinated the development of these regulations.

Note.—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.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Authority: Section 17, Pub. L. 94–586, 15 U.S.C. 719 (1976).

Dated: May 7, 1980.

James A. Joseph,

Under Secretary of the Interior.

A new Part 34 is added to Subtitle A of Title 43 of the Code of Federal Regulations to read as set forth below:

PART 34—REQUIREMENTS FOR EQUAL OPPORTUNITY DURING CONSTRUCTION AND OPERATION OF THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Sec.

34.1 Statement of purpose.
34.2 Applicability.
34.3 Definitions.
34.4 Discrimination prohibited.
34.5 Assurances.
34.6 Equal opportunity clause.
34.7 Incorporation by operation of Law.
34.8 Affirmative action plans.
34.9 Compliance reporting.
34.10 Compliance reviews.
34.11 Enforcement sanctions.

Authority: Section 17, Pub. L. 94–586, 15 U.S.C. Sec. 719 (1976).

34.1 Statement of purpose.

The purpose of these regulations is to implement both Section 17 of the ANGTA and Condition 11 of the President's *Decision.*

34.2 Applicability.

These regulations apply to all activities including, but not limited to, contracting for goods and services, employment, and any other benefits that flow from activities conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued pursuant to ANGTA, by recipients of those authorizations, their agents, contractors, and subcontractors, including labor unions or other persons.

34.3 Definitions.

(a) As used in this part, the term, "ANGTA" means the Alaska Natural Gas Transportation Act of 1976, Pub. L. 94–586, 15 U.S.C. 719.

(b) "ANGTS" means the Alaska Natural Gas Transportation System as designated and described in the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, September 1977, pursuant to Section 7(a) of ANGTA, S.J. Res. 82, 91 Stat. 1268 (1977).

(c) The term "affirmative action plan" means a statement of those actions appropriate to overcome the effects of past or present practices, policies, or other barriers to equal opportunity in employment, procurement, and the provision of services, financial aid or other benefits, and includes goals for achieving equal opportunity and a description of specific result-oriented procedures to which the recipient, contractor or subcontractor commits itself to apply a good faith effort in order to achieve the goals.

(d) The term "applicant" means a person who has applied for and is seeking Federal authorization under ANGTA to construct and operate the ANGTS, but has not received or been denied the authorization sought.

(e) The term "contract" means any agreement or arrangement (in which the parties do not stand in the relationship of employer and employee) between a recipient or an applicant and any person for the furnishing of supplies or services to a recipient or applicant, or for the use of real or personal property including lease arrangements by a recipient or applicant. The term contract also includes any agreement or arrangement, whether oral or written, express or implied, between two persons and which is related in any way to the activities conducted under any certificate, permit, right-of-way, lease or other Federal authorization granted or issued pursuant to ANGTA, or in any way connected with ANGTS.

(f) The term "contractor" means a person who is a party to a contract with a recipient or an applicant.

(g) The term "discrimination" means an action or a failure to act which has the effect or would tend to have the effect of excluding a person from participation, denying a person benefits, subjecting a person to unequal treatment, or harassing a person because of and on the basis of race, creed, color, national origin or sex.

(h) The term "Federal Inspector" means the official appointed by the President pursuant to Section 7(a)(5) of ANGTA to coordinate governmental actions with respect to ANGTS, including the monitoring and enforcement of the terms and conditions attached to government authorizations issued under ANGTA. The term also includes authorized representatives of the Federal Inspector.

(i) The term "female business enterprise" (FBE) means a sole proprietorship, partnership, unincorporated association, joint venture or corporation that is owned and controlled by women. To qualify as an enterprise owned and controlled by women, 51% of the beneficial ownership interests and 51% of the voting interests must be held and actually voted by women. Further, the enterprise must in fact be controlled and managed by women.

(j) The terms "minority" and "minority groups" include:

(1) Black, all persons having origins in any of the Black African racial groups not of Hispanic origin;

(2) Hispanic, all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin regardless of race;

(3) Asian and Pacific Islander, all persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands including persons having origin, for example, in China, India, Japan, Korea, the Philippine Islands, Samoa; and

(4) American Indian or Alaskan Native, all persons having origins in any of the original people of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

(k) The term "minority business enterprise" (MBE) means a sole proprietorship, partnership, unincorporated association, joint venture or corporation that is owned and controlled by minorities. To qualify as an enterprise owned and controlled by minorities, 51% of the beneficial ownership interest and 51% of the voting interests must be held and actually voted by minority people. Further, the enterprise must in fact be controlled and managed by minority people.

(l) The term "person" includes recipients, contractors, subcontractors, governmental agencies, corporations, associations, firms, partnerships, joint stock companies, labor unions, employment agencies, and individuals.

(m) The term "President's *Decision*" means the President's *Decison and Report to Congress on the Alaska Natural Gas Transportation System*, September 1977, pursuant to Section 7(a) of ANGTA, approved and adopted S.J. Res. 82, 91 Stat. 1268 (1977).

(n) The term "procurement" means the acquisition (and directly related matters) of personal property and nonpersonal services (including construction) by such means as purchasing, renting, leasing, (including real property) contracting, or bartering, but not by condemnation or donation.

(o) The term "procurement practice" means any course of conduct or activity taken to effect procurement.

(p) The term "recipient" means any corporation association, joint stock company, partnership, firm, agency or individual who receives a certificate, permit, right-of-way, lease, or other Federal authorization granted or issued under ANGTA to construct and operate the ANGTS, whether directly or through another recipient including any successor, assignee or transferee thereof.

(q) The term "subcontract" means any agreement or arrangement between a contractor and any person, regardless of tier, (in which the parties do not stand in the relationship of employer and employee) in any way related to the performance of any one or more contracts as defined above.

(r) The term "vendor" means a person who sells or provides goods or services for the construction and operation of ANGTS. A vendor may be a contractor or subcontractor.

§ 34.4 Discrimination prohibited.

(a) *General.* No person shall, on the grounds of race, creed, color, national origin, or sex, be discriminated against or excluded from receiving any benefit from or participating in any activity conducted under any certificates, permits, rights-of-way, leases, and other Federal authorizations to which this part applies.

(b) *Specific actions in which discrimination is prohibited.* No person shall directly or through contractural or other arrangements, discriminate in any activity to which this part applies, including the following:

(1)(i) Employment policies and practices of employers, including advertising, hiring or firing, up-grading, promotion, or demotion, transfer, layoff, or termination, rates of pay, and other forms of compensation or benefits, or other terms and conditions of employment;

(ii) Employment policies and practices of labor unions, including, acceptance of applications for membership, enrolling or expelling members, classification of members, referrals for employment, training and apprenticeship programs, and the provision of other benefits of membership;

(iii) Employment policies and practices of employment agencies including acceptance of applications for employment services, referrals for employment, classification of individuals for employment, and the provision of other benefits and services.

(2) Procurement practices, including manner of procurement, qualification for contracting or placement on procurement source lists, the composition of sources solicited, the use of pre-bid conferences, solicitation for proposals or bids, the designation of quantities, delivery schedules or other specifications, selection procedures, or performance standards.

(3) The provision of services, financial aid and other benefits provided in whole or in part, under any Federal authorization to which this part applies, more specifically including actions that result in the:

(i) denial to an individual or establishment of any service, financial aid, or other benefits;

(ii) provision of any service, financial aid, or other benefit to an individual, or establishment which is different, or is provided in a different manner, from that provided to others;

(iii) subjection of an individual to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefits;

(iv) restriction of an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit;

(v) treatment of an individual that is different from others in the determination of any admission, enrollment, eligibility, membership requirements or other conditions which individuals must meet in order to be provided any service, financial aid, or other benefit;

(vi) denial to an individual of an opportunity to participate in any activity that is different from that afforded others;

(vii) denial to an individual of the opportunity to participate as a member of any planning or advisory body that participates in the provision of any service, financial aid, or other benefit;

(viii) use of criteria or methods of administration which have the effect of subjecting individuals or establishments to discrimination in the determination of the types of services, financial aid, or other benefits, or the facilities that will be provided; or the class of individuals or establishments to which, or the situation in which, such services, financial aids, other benefits, or facilities will be provided; or the class of individuals or establishments to be provided an opportunity to participate in any activity; and

(ix) selection of a site or location for facilities for the provision of services, financial aid, or other benefits, with the purpose or effect of substantially impairing the objectives of Section 17, the President's *Decision*, and implementing rules, regulations, and orders.

(c) *Scope of prohibited discrimination.* (1) The enumeration of specific forms of prohibited discrimination in paragraph (b) of this Section does not limit the general prohibition in paragraph (b) of this Section.

(2) Action taken in compliance with an affirmative action plan developed pursuant to these regulations shall not be deemed a violation of this Section.

§ 34.5 Assurances.

Every application for a certificate, permit, right-of-way, lease, public land order, or other Federal authorization to which this Part applies, filed after the effective date of these regulations, and every contract covered hereunder to provide goods, services, or facilities in the amount of $10,000 or more to a recipient, contractor, or subcontractor to which this Part applies, must contain an assurance that the recipient, contractor, or subcontractor does not and will not maintain any segregated facilities, and that all requirements imposed by or pursuant to Section 17, Condition 11 of the President's *Decision* and implementing rules, regulations, and orders shall be met, and that it will require a similar assurance in every subcontract of $10,000 or more.

§ 34.6 Equal opportunity clause.

Each certificate, permit, right-of-way, lease, or other Federal authorization to which this part applies, shall include the following Equal Opportunity Clause:

(a) The recipient, contractor, or subcontractor hereby agrees that it will not discriminate directly or indirectly against any individual or establishment in offering or providing procurements, employment, services, financial aid, other benefits, or other activities to which these regulations apply. The recipient, contractor, or subcontractor

will take affirmative action to utilize business enterprises owned and controlled by minorities and/or women in its procurement practices; to assure that applicants for employment are employed, and that employees are treated during employment, without discrimination on the basis of race, creed, color, national origin, or sex; and to assure that individuals and establishments are offered and provided services, financial aid, and other benefits without discrimination on the basis of race, creed, color, national origin, or sex. The recipient, contractor, or subcontractor agrees to post in conspicuous places available to contractors, subcontractors, employees, and other interested individuals, notices which set forth these equal opportunity terms; and to notify interested individuals, such as bidders, contractors, purchasers, and labor unions or representatives of workers with whom it has collective bargaining agreements, of its obligations under Section 17, Condition 11 of the President's *Decision*, and the implementing rules, regulations, and orders thereunder;

(b) The recipient, contractor, or subcontractor will comply with all rules, regulations, and orders which implement Section 17 and Condition 11 of the President's *Decision*;

(c) The recipient, contractor, or subcontractor will furnish all information and reports required by or pursuant to rules, regulations, and orders implementing Section 17 and Condition 11 of the President's *Decision*, and will permit access to its facilities, books, records, and accounts by the Federal Inspector for purposes of ascertaining compliance with such rules, regulations, and orders;

(d) In the event of a recipient's, contractor's, or subcontractor's noncompliance with these equal opportunity terms, compliance may be effected through procedures authorized by ANGTA and set forth in implementing rules, regulations, and orders, or by any other means authorized by law;

(e) The recipient, contractor, or subcontractor will include the provisions of paragraphs (a) to (e) in all agreements to assign authorizations, all contracts over $10,000, and all contracts of indefinite quantity, unless there is reason to believe that the amount to be ordered in any year under the contract will not exceed $10,000. The recipient, contractor, or subcontractor will take such action with respect to any contract or purchase order that the Federal Inspector may direct as a means of enforcing such provisions, including sanctions for noncompliance; *provided, however*, that in the event the recipient, contractor, or subcontractor becomes involved in or is threatened with litigation with a subcontractor or vendor, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(f) Any project labor agreement which may be entered into between the applicants and any union must be consistent with the provisions of these regulations and must contain an Equal Opportunity Clause.

§ 34.7 Incorporation by operation of law.

(a) The Equal Opportunity Clause shall be deemed incorporated into every Federal authorization, agreement to assign an authorization, contract and subcontract where § 34.6(e) of these regulations requires the inclusion of such a clause whether or not the clause is physically incorporated in such Federal authorization, agreement to assign authorization, contract or subcontract, and whether or not the agreement or contract is written.

(b) The affirmative action plans prepared pursuant to this part shall be deemed incorporated into the Federal authorizations, contracts, and subcontracts to which these regulations apply.

§ 34.8 Affirmative action plans.

(a)(1) Within one hundred and twenty (120) days after the effective date of this Part, applicants or recipients shall have an acceptable affirmative action plan which has been approved by the Federal Inspector pursuant to paragraph (d) of this section and which conforms to the requirements of paragraph (c) of this section. The affirmative action plan must set forth overall goals and timetables for the employment of minorities and women and the utilization of MBE's and FBE's in the construction and operation of the applicant's or recipient's segment of the Alaska Natural Gas Transportation System. The approved goals and timetables shall be published in accordance with paragraph (d)(4) of this section and included in contract bid specifications in accordance with paragraph (b)(1) of this section.

(2) Each contractor and subcontractor with fifty (50) or more employees and with a contract of $1,000,000 or more that is in effect on the effective date of this Part shall, within one hundred and fifty (150) days after the effective date of this Part, submit an affirmative action plan to the Federal Inspector for approval pursuant to paragraph (d) of this section. All contractors and subcontractors, with fifty (50) or more employees, which are awarded contracts for $1,000,000 or more after the effective date of this Part shall submit an affirmative action plan to the Federal Inspector pursuant to paragraph (d) of this section at the time the contract is awarded or 150 days after the effective date of this Part, whichever is later.

(b)(1) In addition, recipients and each of their contractors and subcontractors shall require, as one of the specifications for all bids for contracts in the amount of $50,000 or more, that all bidders which have, or would have if awarded the contract, a workforce of 50 or more employees, must develop a written affirmative action plan consistent with paragraphs (c) (1) and (2) of this section prior to bidding, unless an exemption under paragraph (d)(5) of this section has been obtained by the bidder. Such a plan must apply to each of the bidder's facilities which are associated with any activities conducted pursuant to Federal authorizations to which this Part applies. A summary of such plan should be included with the bid submitted to the contractor or subcontractor. The ability of the bidder to comply with these regulations shall be a factor considered in evaluating the bid. The plan must be included in the contract which is executed between the contractor or subcontractor and the bidder subject to whatever revision may be required by the Federal Inspector.

(2) The requirements of paragraph (b)(1) of this section also apply to any bidder which has previously been awarded a contract or contracts where the total amount of such contract or contracts taken together with the amount of the contract upon which the bid is to be made total $50,000 or more and the bidder has a workforce of 50 or more employees.

(3) All bidders for contracts of $150,000 or more must develop a written affirmative action plan under paragraph (c)(3) of this section regarding procurement and contracting practices. All such plans developed under paragraph (c)(3) of this section must be submitted to the Federal Inspector for approval at the time the contract is awarded.

(c) An acceptable affirmative action plan must include an analysis of all areas of operation of the recipient, contractor, or subcontractor in which it could be deficient in offering services, opportunities, or benefits to minority groups and women, all areas of employment in which it could be deficient in the utilization of minority groups and women, and all areas of procurement in which it could be deficient in the utilization of MBE's and

FBE's; and, further, the plan must include specific goals and specific timetables to which the recipient, contractor, or subcontractor will direct its best efforts and undertake specific action to correct all deficiencies, and to materially increase the participation of minorities and women in all aspects of its operation. Such plans shall be updated annually.

In addition, the affirmative action plan shall include the following:

(1) *Services, financial aid, and other benefits.* The recipient, contractor, or subcontractor is required to specifically address and analyze all areas of its operation in which services, financial aid, and other benefits are offered or provided at each of its facilities to which this part applies. The analysis should include:

(i) An identification of services, financial aid, and other benefits that the recipient, contractor or subcontractor provides or may provide;

(ii) A description of the population eligible to be served or to participate, by race, color, national origin, and sex;

(iii) An identification of specific actions that will be taken to assure that no discrimination occurs in providing services, financial aid, and other benefits;

(iv) If relevant, the location of all existing or proposed facilities connected with the services, financial aid, or other benefits, as well as related information adequate for determining whether the location has or could have the effect of denying access to any individual on the basis of prohibited discrimination;

(v) Where relocation of facilities is involved, the steps that will be taken to guard against adverse socioeconomic effects on individuals on the basis of race, color, creed, national origin, or sex;

(vi) Information on all areas of the recipient's, contractor's, or subcontractor's operations that require change to assure that specific actions prohibited in paragraph (b)(3) of this section do not occur in the provision of any of its services, financial aid, or benefits;

(vii) A monitoring system to assure that no discrimination occurs.

(2) *Employment practices.* (i) The affirmative action plan shall address all aspects of employment in construction and non-construction operations and shall contain the analysis and commitments which are required in regulations promulgated by the Department of Labor pursuant to Executive Order 11246, specifically, those at 41 CFR 60–4.3(a)(7), (13), and (14) for the employment of construction employees, and those at 41 CFR 60–2.21, 60–2.22, 60–2.24, 60–2.26 for the employment of non-construction employees.

(ii)(A) The affirmative action plan of the applicants or recipients shall contain goals and timetables applicable to each segment of the ANGTS, employing the method of analysis set forth at 41 CFR Sections 60–2.11(b). In developing goals the standards set out at 41 CFR 60–2.12(a)–(j) should be followed as well as the specific guidelines set forth below:

(*1*) Current national statistics, such as those available from the U.S. Bureau of the Census, should be used to determine the available minority and female workforce populations unless it can be shown that a particular part of the project can be reasonably expected to draw labor only from a small area. If such a showing is made then statistics from such smaller area shall be employed in setting goals for that part of the project.

(*2*) Goals should be set separately for each minority group, as set out in paragraph (j) of this section, and for women, by each job group.

(*3*) Goals should be set in proportion to the group's general availability in the population taking into consideration (*i*) the number of group members currently available in that job group, (*ii*) the reason members of the group are not available in that job group in proportion to their existence in the general population, and (*iii*) the degree to which the provision of training could be expected to increase the availability of the group's members in the particular job group within the time available.

(B) The affirmative action plan of each contractor and subcontractor shall contain goals and timetables based upon the overall goals and timetables set by the applicant or recipient for the segment of the ANGTS upon which the contractor or subcontractor will work.

(iii) It shall not be a violation of this Part for a recipient, contractor or subcontractor to extend a preference in employment consistent with 41 CFR 60–2.12(j). For the purpose of this section the term "reservation" in Alaska shall be the same as in 25 CFR 80.1, 91.1, and 93.1.

(3) *Procurement and contracting practices.* (i) Applicants or recipients and each of their contractors and subcontractors with contracts of $150,000 or more shall develop for the Federal Inspector's approval an affirmative action plan that identifies specific actions which the applicant or recipient, contractor or subcontractor, will take to afford MBE's and FBE's the maximum practicable opportunity to participate in the construction and operation of ANGTS.

(ii) The affirmative action plan of the applicant or recipient shall contain specific dollar goals set separately for MBE's and FBE's, and timetables for achieving these goals. The applicant's or recipient's goals and timetables shall be applicable to all procurement and contracting on its respective segment of the ANGTS. In setting goals the following factors should be considered:

(A) The availability and capability of existing MBE's and FBE's in each procurement and contracting area;

(B) The anticipated levels of procurement and contracting activities;

(C) The extent to which procurement and contracting procedures can be amended to utilize contract breakouts and other methods, as described in paragraph (c)(3)(iii)(D)(*2*) of this section, to increase opportunities for MBE's and FBE's;

(D) The extent to which new firms can be organized and the capability of existing firms expanded either through the efforts of the applicant or recipient and its contractors and subcontractors or through the efforts of government or other organizations and institutions.

(iii) Affirmative action plans developed and submitted pursuant to paragraph (c)(3)(i) of this section shall contain the following elements:

(A) An in-depth analysis of all areas of procurement and contracting procedures to determine if these procedures offer maximum opportunity for the utilization of MBE's and FBE's. All deficiencies must be identified along with steps that will be taken to correct them.

(B) A description of all contracting opportunities to be offered in the succeeding year, or for such longer period of time for which projections are available. The plan shall identify the types of services and supplies for which contracts are to be let, with as much specificity as possible, indicating the anticipated dollar amounts of such contracts.

(C) Specific dollar goals for MBE's and FBE's and timetables for achieving such goals based upon the overall goals and timetables set by the applicant or recipient for the segment of ANGTS upon which the contractor or subcontractor will work.

(D) A description of all actions that will be taken to provide the maximum practicable opportunity for MBE's and FBE's to participate in the construction and operation of the ANGTS including the following:

(*1*) The appointment of a liaison officer who will administer the MBE and FBE program, the identification of that officer, and a description of the officer's duties and authority;

(*2*) Identification of steps that will be taken to insure timely and full consideration of MBE's and FBE's in all procurement and contracting decisions, and the identification of how those procedures will be implemented. This shall include procedures relevant to (*i*) the arrangement of solicitations, (*ii*) time for preparation of bids, (*iii*) quantity requirements, (*iv*) determination of specifications, (*v*) determination of delivery schedules, (*vi*) the determination of the manner of contracting, and (*vii*) breaking out contracts into smaller subcontracts;

(*3*) An identification of contracting arrangements that will be adopted to increase the use of MBE's and FBE's, including analysis of the circumstances in which and the extent to which the following types of contracting practices can be used: (*i*) noncompetitive contracting, (*ii*) contracting based upon competition between a limited number of enterprises, and (*iii*) negotiated contracts;

(*4*) Specific procedures for identifying capable MBE's and FBE's and for the dissemination of information on business opportunities and procurement practices to minority and women's business organizations and associations, in sufficient detail, and affording sufficient time, to offer full opportunities for participation by MBE's and FBE's;

(*5*) An identification of financial assistance, such as investment in Minority Enterprise Small Business Investment Companies (MESBIC) and direct investment in MBE's and FBE's, that the recipient, contractor, or subcontractor determines to be feasible and financially appropriate to offer MBE's and FBE's;

(*6*) The identification and elimination of non-essential technical requirements and procedures, including non-essential bonding and insurance requirements;

(*7*) Holding regularly scheduled meetings with procurement and contracting officials of the recipient, contractor, or subcontractor to explain MBE and FBE policies and procedures;

(*8*) Identification of specific procedures for certifying and verifying ownership and control of companies identified as MBE's and FBE's. The plan shall include the requirements that firms submit affidavits as to their status as MBE's and FBE's as defined in Section 34.3.

(E) As an integral part of the affirmative action plan, develop and maintain separate source listings of MBE's and FBE's. Such lists or files should contain whenever possible the following information on each company: (*1*) a description of each business, including the type of organization, (*2*) the product or service offered, (*3*) information on ownership and control, (*4*) all relevant data and affidavits which establish that the enterprise is in fact owned, controlled, and managed by minorities and/or women.

(4) *Complaint system for affirmative action plans.* (i) The affirmative action plan must include a grievance mechanism for resolving disputes arising from the implementation of the plan.

(ii) A copy of all complaints, related records, and specific resolutions must be maintained.

(5) *Data to support affirmative action plans and access to plans.* (i) Data supporting the analyses and plans required by these regulations shall be compiled and maintained as part of the affirmative action plan.

(ii) Copies of the affirmative action plan and supporting data shall be made available to the Federal Inspector upon his request as may be appropriate for the fulfillment of the Inspector's responsibilities under these regulations.

(d) *Review of affirmative action plan.* (1) Applicants and their contractors and subcontractors which are required by paragraphs (a) and (b) of this section to submit affirmative action plans to the Federal Inspector for approval shall provide the Federal Inspector with the following information at the time the affirmative action plan is submitted:

(i) A brief description of pending applications to any Federal agency for Federal financial assistance or the award of a government contract, as well as any Federal assistance being received, or any government contracts or subcontracts being performed;

(ii) Whether the applicant, contractor, or subcontractor has been the subject of a compliance review conducted by the Department of Labor pursuant to 41 CFR Part 60–1 within the preceding twelve months;

(iii) Whether any Federal, State or local government agency has found the applicant, contractor, or subcontractor in non-compliance or has found reasonable cause to believe the applicant, contractor, or subcontractor is in violation of, or in non-compliance with, any civil rights requirements;

(iv) A description of the methods by which the applicant, contractor, or subcontractor will insure that its contractors and subcontractors comply with the provisions of the affirmative action plans during the term of the contracts;

(2) The Federal Inspector shall consider conducting an on-site review before the award of any Federal authorizations, agreements to assign Federal authorizations, contracts or subcontracts under which substantial employment or procurement opportunities will be offered;

(3) The Federal Inspector will determine whether the affirmative action plans are adequate. If deficiencies are found to exist in a plan, the recipient, contractor, or subcontractor shall correct the deficiencies in consultation with the Federal Inspector. If deficiencies are not corrected to the satisfaction of the Federal Inspector, the Inspector may enforce compliance with this section through measures authorized by ANGTA or any other provision of law.

(4) Upon approval of the affirmative action plan—including the goals and timetables—of the applicants or recipients, the Federal Inspector shall publicize the goals and timetables which are approved for each segment. Notice should be sent to all parties who submitted comments to the Department of the Interior in response to the Notice of Proposed Rulemaking issued about these regulations on October 12, 1979 (44 FR 59096).

(5) The Federal Inspector may, upon request, grant exemptions from the requirements of Section 34.8(b) to any bidder which can demonstrate that no significant employment opportunities will result from an award of a contract to the bidder.

§ 34.9 Compliance reporting.

(a) *Records, reports, and access to books.* Each recipient, contractor, or subcontractor to which these regulations apply shall submit to the Federal Inspector reports in the form and manner that the Federal Inspector determines to be necessary to insure compliance with the rules, regulations, and orders implementing Section 17 and Condition 11 of the President's *Decision.*

(b) *Access to sources of information.* Each person to whom this part applies shall permit access by the Federal Inspector during normal business hours to books, records, accounts, and other sources of information, and to facilities, as the Federal Inspector determines to be necessary to insure compliance with the rules, regulations, and orders implementing Section 17 and the President's *Decision.*

(c) *Failure to submit reports.* Failure to file timely, complete, and accurate reports, or failure to permit access to sources of information as required constitutes non-compliance with the Equal Opportunity Clause and with these regulations and, therefore, constitutes grounds for action by the Federal Inspector, recipient, contractor, or subcontractor to enforce compliance or levy sanctions as authorized by ANGTA, by the implementing rules,

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

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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

49 CFR Part 1033

[S.O. No. 1468]

Burlington Northern, Inc., Authorized To Use Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Between Sappington and Three Forks, Mont.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1468.

SUMMARY: Burlington Northern Inc. is authorized to use tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Sappington and Three Forks, Montana.

EFFECTIVE: 12:01 a.m., May 1, 1980, and will continue in effect until 11:59 p.m., June 8, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–784.

Decided: May 1, 1980.

By Order No. 290A, dated February 25, 1980, the United States District Court for the Northern District of Illinois, Eastern Division, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) to impose an embargo on all operations outside of the MILW "core system" as identified by the Court. The MILW was authorized to place an embargo on inbound traffic as of 11:59 p.m., February 27, 1980, and on originating traffic as of 11:59 p.m., February 29, 1980. The MILW placed Embargo No. 10–80 as directed by the Court, effective on these dates.

Burlington Northern Inc. (BN) connects with the MILW at Sappington, Montana, and has consented to provide essential rail service to expedite the shipment of export scrap iron and steel. The MILW concurs and has consented with this operation over its tracks by BN.

It is the opinion of the Commission that an emergency exists requiring the operation of BN trains over these tracks of the MILW in the interest of the public; 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,

§ 1033.1468 Service Order No. 1468.

(a) *Burlington Northern Inc. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Sappington and Three Forks, Montana.* Burlington Northern Inc. (BN) is authorized to operate over tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) between Sappington and Three Forks, Montana, for the purpose of providing rail service for the movement of export scrap iron and steel.

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

(c) *Rate applicable.* Inasmuch as this operation by the BN over tracks previously operated by the MILW 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 MILW, until tariffs naming rates and routes specifically applicable via BN become effective.

(d) In transporting traffic over these lines, BN and all other common carriers 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 Commission.

(e) *Employees.* On March 4, 1980, a number of rail carriers and labor unions reached an agreement regarding the proper level of employee protection entitled "*Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations operating through the Railway Labor Executives' Associations*" (negotiated labor protection agreement). We have reviewed the negotiated labor protection agreement and find that it adequately safeguards the interests of affected employees.

Accordingly, if BN chooses to exercise the authority granted by this decision, it shall afford affected employees the protection contemplated by the negotiated labor protection agreement and any subsequent amendments to it.

(f) *Effective date.* This order shall become effective at 12:01 a.m., May 1, 1980.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 8, 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 11121–11126.

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 R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–14590 Filed 5–9–80; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

Commercial Tanner Crab Fishery off the Coast of Alaska; Amendment to Fishery Management Plan and Final Regulations

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Final regulations.

SUMMARY: The Director, Alaska Region, (Regional Director), National Marine Fisheries Service (NMFS) issues a final regulation (Field Order) applicable to fishing by vessels of the United States in the Alaska Tanner Crab Fishery, in accordance with the Fishery Management Plan (FMP) for the Commercial Tanner Crab Fishery Off the Coast of Alaska, and regulations implementing this FMP (50 CFR Part 671). This Field Order closes the Bering Sea district in Registration Area J to fishing for Tanner crab (*Chionoecetes bairdi*) by vessels of the United States effective 12:00 noon Alaska Daylight Time (ADT) on May 11, 1980, rather than on June 15, 1980, as currently provided in 50 CFR 671.26(f)(3)(IV). The closure will remain in effect until November 1, 1980. Tanner crab other than *C. bairdi* may still be taken from 12:00 noon November 1 to 12:00 noon September 3.

EFFECTIVE DATE: 12:00 noon Alaska Daylight Time (ADT), May 11, 1980. Public comments are invited until July 10, 1980. Comments may be sent to:

Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone (907) 586–7221.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, (907) 586–7221.

SUPPLEMENTARY INFORMATION: The FMP, which was extended by amendment through October 31, 1980, (45 *FR* 785), provided for in-season adjustments to season and area openings and closures. The implementing regulations in 50 CFR Part 671 specify in § 671.27(b) that these decisions shall be made by the Regional Director in accordance with the criteria set out in that section. On October 20, 1978, the Assistant Administrator, NOAA, delegated to the Regional Director authority to promulgate Field Orders making in-season adjustments.

50 CFR 671.26(f) creates four districts within Registration Area J. The districts were created, in part, to prevent overfishing of individual Tanner crab stocks by allowing closure of a particular district when the desired harvest level in that district is reached. Although a proposed amendment to the FMP states the optimum yield of *C. bairdi* for the Bering Sea district of Registration Area J to be 22–33 million pounds, the Alaska Board of Fisheries during its December 1979 meeting established a 28 to 36 million pound guideline harvest level in this district. This harvest guideline was based on a 1979 trawl survey by the National Marine Fisheries Service from which estimates of the fishable *C. bairdi* population were derived. The survey predicted a smaller fishable stock in 1980 than was available in 1979. Data collected during the 1980 fishery substantiated the survey prediction.

The desired harvest level of the *C. bairdi* fishery is the midpoint of the guideline harvest level or 32 million pounds. Between early January when the fishery commenced and April 27, 1980, 27.4 million pounds were harvested. The catch per unit of effort during the season has remained relatively stable at 30 crabs per pot. At the current rate of catch the desired harvest level will be reached on May 11, 1980.

In order to prevent exceeding the desired harvest level of the *C. bairdi* stock in the Bering Sea district, the Regional Director has determined, in accordance with 50 CFR 671.72(b) and Department Administrative Order 218–7 (44 FR 2082), and following consultation with the Commissioner, Alaska Department of Fish and Game, that an emergency exists; the Bering Sea district in Registration Area J should be closed to *C. bairdi* fishing at 12:00 noon ADT on May 11, 1980, rather than on June 15, 1980.

The Regional Director further finds that, in order to protect the resources, public comment prior to issuance of this Field Order is impracticable and contrary to the public interest. However, public comments on the necessity for, and extent of, this closure will be received by the Regional Director for a period of 60 days after the effective date of the Field Order. During this 60-day period, the data and information upon which this decision is based will be available for inspection during business hours at the NMFS, Kodiak field office, in the Alaska Department of Fish and Game Building, Kashevaroff and Mission Road, Kodiak, Alaska.

Should comments be received during the 60-day period, if appropriate, the Regional Director shall reconsider the necessity for the closure and, as soon as practicable after that reconsideration, shall publish in the **Federal Register** either: (A) A notice of continued effectiveness of the closure; or (B) a notice to modify or rescind the closure.

An environmental impact statement was prepared for the Commercial Tanner Crab Fishery Off the Coast of Alaska FMP and is on file with the Environmental Protection Agency. A regulatory analysis has been prepared in compliance with Executive Order 12044.

Signed at Washington, D.C., this 6th day of May, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

§ 671.26 [Amended]

50 CFR 671.26(f)(3)(iv) is amended to read: In the Bering Sea district from 12:00 noon November 1 to 12:00 noon May 11 only, except that Tanner crab other than *C. bairdi* may be taken or possessed from 12:00 noon November 1 to 12:00 noon September 3 only.

[FR Doc. 80–14473 Filed 5–9–80; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 880

Obtaining Medical, Dental, and Veterinary Care From Civilian Sources

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by revising Subpart A of Part 880, Subchapter I, 32 CFR. The revision tells how Air Force and NATO personnel may obtain essential medical, dental, and veterinary care from civilian sources when care from a government facility is unavailable, and tells how to authorize and provide reimbursement at Air Force expense. This revision also changes the policy on active duty maternity episode. The internal effect of this revision is to keep current those rules published in 32 CFR, Chapter VII.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Major Martin E. Zizzi, telephone (202) 767–5058.

Accordingly, Subpart A of Part 880 is revised to read as follows:

PART 880—OBTAINING MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES

Subpart A—Medical, Dental and Veterinary Care From Civilian Sources

Sec.

880.0 Purpose.
880.2 Explanation of terms.
880.4 Policies, responsibilities, and general instructions.
880.6 Care authorized from civilian sources.
880.8 For whom authorized.
880.10 Who authorizes.
880.12 When not authorized.
880.14 Emergencies.
880.16 Special examinations and appliances.
880.18 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.
880.20 Veterinary care authorized.
880.22 Who authorizes veterinary care.
880.24 Bills for veterinary services.

Authority: 10 U.S.C. 8012.

Note: This part is derived from Air Force Regulation 168–10, March 31, 1980.

Note: Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—Obtaining Medical, Dental and Veterinary Care From Civilian Sources

§ 880.0 Purpose.

This part tells how to authorize and provide reimbursement at Air Force expense for:

(a) Essential medical and dental care from civilian sources when care from a government facility is unavailable for (1) Air Force members on active duty; (2) NATO Air Force military personnel stationed in or passing through the United States in connection with official duties;

(b) Necessary supplemental medical supplies and services procured by Air

Force medical facilities from civilian or other government sources for eligible patients under treatment in Air Force medical facilities; and

(c) Civilian veterinary services for Air Force-owned animals and prospective military dogs.

Note: This part is affected by the Privacy Act of 1974.

§ 880.2 Explanation of terms.

As used here, the following terms apply:

(a) *Civilian Physician.* A doctor of medicine or doctor of osteopathy who is legally qualified and licensed, without limitation, to administer drugs and to perform surgical procedures in the geographic area where such service is provided.

(b) *Civilian Dentist.* A doctor of dentistry who is legally qualified and licensed, without limitation, in the geographic area concerned to administer drugs and to perform all procedures related to the teeth, jaws, and structures continuous to them.

(c) *Civilian Veterinarian.* Any person legally qualified and licensed, without limitation, to practice veterinary medicine where the veterinary service is performed.

(d) *Civilian Medical Care.* Physical examination, professional advice, and treatment provided by a civilian physician or civilian medical agency to sick or injured military personnel. The term includes nursing, hospital care, medicine, whole blood or blood derivatives, laboratory and X-ray services, physical therapy, and so forth.

(e) *Civilian Dental Care.* Dental examination, advice, diagnosis, consultation, and treatment provided to military personnel by a civilian dentist.

(f) *Cooperative Care.* Health care services and supplies provided potential CHAMPUS beneficiaries from direct care system resources. This program also includes those medical services and supplies for which CHAMPUS will share in the cost for beneficiaries under specified circumstances, even though the patient remains under the primary control of a uniformed services medical facility.

(g) *Contract Health Care Services.* Those health care services obtained by the uniformed services facility on a recurring or predictable basis for patients, to provide necessary care and treatment of the overall patient beneficiary population.

(h) *Emergency Care.* Immediate medical or dental care required to save life, limb, sight, loss of body tissue, or to prevent undue suffering.

(i) *Non-Emergency Care.* Medical or dental care, such as eye refractions, dental prophylaxis, and elective surgical procedures (for example, sexual sterilization) which, in the opinion of the provider, can be deferred or performed at another time or place without jeopardizing life, limb, or the overall health and well-being of the patient.

(1) It is not realistic to list all possible examples of this type of care, because it may involve varying degrees of urgency or necessity. In short, one type of health care may be more essential to the patient's health care and well-being than another.

(2) For this reason, requested services under this term should not be equated with each other. For example, an indicated dental prothesis should not be compared to corrective orthopedic surgery.

(j) *Civilian Veterinary Service.* Physical examinations, treatment, surgery, or hospitalization by a civilian veterinarian. This term includes X-ray, professional services, surgical appliances, materials, and medicine, where indicated.

(k) *Uniformed Services.* The Air Force, Army, Navy, Marine Corps, Coast Guard (including uniformed service Academy Cadets and Midshipmen), the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

(l) *Member of a Uniformed Service.* A person who is serving in a uniformed service on active duty or on inactive duty for training.

(m) *Retired Member of a Uniformed Service.* A person who is entitled to retired or retainer pay, or equivalent pay, as a result of service in a uniformed service.

(n) *NATO Forces.* Military personnel belonging to the land, sea, or air armed service of a nation which is a party to the NATO Status of Forces Agreement. These nations are Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Italy, Luxembourg, Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

(o) *United States.* The 50 states and the District of Columbia.

(p) *Office of Civilian Health and Medical Program of the Uniformed Services EUROPE (OCHAMPUSEUR).* The Executive Director, OCHAMPUSEUR, Army Command, Europe, APO New York 09403.

(q) *Supplemental Care.* Those health care services obtained by the uniformed services facility for, or on behalf of, a patient, necessary for the care and treatment of that patient. Supplemental care services pertain only to non-CHAMPUS beneficiaries.

§ 880.4 Policies, responsibilities, and general instructions.

(a) *When Treatment Is Authorized.* Civilian medical and dental care for the active duty Air Force military personnel and NATO Air Force military personnel at U.S. Government expense is authorized only when the required treatment cannot be obtained from uniformed services medical facilities (that is, from the Air Force, Army, Navy, or U.S. Public Health Service facilities) or from other government medical facilities, such as Veterans Administration hospitals.

(b) *NATO Military Personnel in the United States.* When members of the forces designated in paragraph (k) of § 880.2 are stationed in or passing through the United States in connection with their official duties, they are given civilian medical and dental care under the same conditions as authorized for active duty United States military personnel. All procedures prescribed in this part for active duty U.S. Air Force personnel apply to eligible NATO Air Force military personnel.

§ 880.6 Care authorized from civilian sources.

Medical and dental care from civilian sources for active duty Air Force and NATO Air Force members is limited to care that would ordinarily be given by Air Force medical or dental facilities (AFRs 168–6 and 168–9). (When a request for health care services is questionable from a professional standpoint, refer to AFR 160–12 (Professional Policies and Procedures), for guidance. If the case is not an emergency, refer the request to a competent medical authority for an advance determination.)

(a) Health care at Air Force expense is authorized:

(1) When a patient (as defined in § 880.8) requires essential medical or dental care and;

(i) There is no Air Force or other government medical or dental facility available, and

(ii) The available facility cannot provide the required care.

(2) When a uniformed service member is receiving either inpatient or outpatient care in an Air Force MTF and requires certain medical or dental care that the Air Force facility or its staff cannot provide.

(b) Civilian ambulance service at Air Force expense is authorized to move eligible active duty U.S. and NATO Air Force members to a medical facility. Funds under the central managed allotment for medical care in non-Air Force medical facilities will be used to pay for civilian ambulance service.

Note.—The services of chiropractors are not authorized.

§ 880.8 For whom authorized.

When uniformed services or other government medical care is not available, civilian medical and dental care is authorized at Air Force expense for:

(a) Active duty Air Force personnel, including Air Force Academy Cadets, and NATO Air Force personnel listed in paragraph (n) of § 880.2.

(b) Members of the Air Force Reserve who are injured (or who contract a disease) in line of duty while on active duty, or who are injured in line of duty while performing inactive duty training (or while voluntarily participating in an aerial flight in a government-owned aircraft under proper authority and as an incident of training). Rehospitalization may be authorized under this section for the same condition which hospitalization at Air Force expense was initially required until no improvement will derive from further treatment.

(c) Members of the Air National Guard (ANG) who are injured or become ill in the line of duty when on active duty performing an Air Force directed mission (such as ferrying aircraft, a runway alert, or such other duties as the Secretary of the Air Force may direct on competent Air Force orders).

(1) ANG members who are on active duty for training, or an inactive duty training, are also eligible for medical and dental care from civilian sources according to ANG directives, at ANG expense. Such medical care may be authorized by the ANG organization or the Air Force base commander.

(2) ANG members may also be admitted and treated at an Air Force medical facility under Part 815 of this chapter.

(d) Members of Air Force Reserve Officers Training Corps (AFROTC) who are injured (or become ill) in line of duty while en route to or from, or while participating in, a summer encampment. An AFROTC member is not entitled to health care services from civilian sources at Air Force expense beyond the training period specified in his or her training orders.

(e) Applicants for enlistment, commission, and for the officers training school program may be given physical examinations by a qualified civilian physician where there is no adequate military examining facility. Payment is made from funds available to the local USAF Recruiting Service.

(f) Health professionals applying for a commission in the USAF Medical Service may be given physical examinations by qualified civilian physicians if no adequate military examining facility is available. Payment is made from funds available to the local USAF recruiting service.

(g) Active duty female personnel who reside at least 30 miles from an uniformed services hospital may choose whether they wish to deliver in a closer civilian hospital (or to travel more than 30 miles to the uniformed services hospital) for maternity care and the delivery.

(1) If the mother decides to deliver in a closer civilian hospital, any cost involved with the maternity episode (including routine newborn care) is payable from a centrally managed allotment. Hospitalization for the newborn after the discharge of the mother is cost-shared CHAMPUS. The approval authority is the same as for non-emergency care.

§ 880.10 Who authorizes.

These types of civilian case are authorized at Air Force expense; certain types must be authorized in advance as follow:

(a) *Emergency Inpatient Care.* Advance approval is not required.

(b) *Emergency Outpatient Care.* Advance approval is not required.

(c) *Non-Emergency Care and Maternity Care.* The director of base medical services, when a MTF is available; the Air Force base commander (or an authorized representative) under whose jurisdication the member is assigned; or the commander of the member's unit of assignment if the unit is not at an Air Force base. If in doubt, refer the case to the major command surgeon's office or to HQ USAF/SGHC, Bolling AFB, DC 20332.

(d) *Supplemental Care-Cooperative Care.* The director of base medical services.

§ 880.12 When not authorized.

Civilian care is not authorized at Air Force expense for:

(a) Non-emergency and maternity care unless explicitly approved by competent authority as indicated in paragraph (c) of § 880.10.

(b) Treatment when adequate medical or dental service is available from an Air Force or other government medical or dental facility in the vicinity.

(c) A discharged member of the Air Force who receives care for an illness or injury incurred while on active duty. However, he or she may apply for a correction of records to change his discharge date as provided by Part 865 of this chapter.

(d) Persons other than those stated in § 880.8. (For a family member or a retired AF member, see policy in AFR 168–9.)

(e) Air Force military personnel absent without leave (AWOL), or in desertion status. However, charges for medical care provided after return of the individual to military control may be paid from Air Force funds. Return to military control under this part may be actual or constructive (see Part 889 of this chapter).

Notice.—Constructive return is effected when military authorities are notified of the patient's presence in a civilian medical facility and action is taken regarding the disposition of the member (such as investigation of his or her condition or making a medical decision about the disposition and treatment of the case).

§ 880.14 Emergencies.

(a) Emergency medical or dental care at Air Force expense may be obtained from a civilian source without advance authorization by or in behalf of Air Force members authorized in § 880.8. Emergency dental care is limited to treatment for the relief of pain and prevent loss of oral tissue, treatment of acute septic conditions, essential correction of dental injuries, or damage to dental prostheses that requires immediate attention.

(b) For nonemergency medical, dental care, and maternity care, the Air Force member must ask, in writing, for authority to engage civilian medical or dental care before contracting for such care. If an MTF is available under the jurisdiction to which the member is assigned, send the request to the director of the base medical service; otherwise, send it to the member's commander. (A form will not be designed for this purpose.) The request will include:

(1) Name, grade, social security number, and organization.

(2) Type and extent of medical or dental care required.

(3) Duty status, leave or pass. (If not on duty, give the exact period of the leave or pass; if on duty, give the probable length of time at the present location.)

(4) What action has been taken to obtain the required care from an Air Force or other government medical or dental facility. If no action has been taken, state why.

§ 880.16 Special examinations and appliances.

(a) *Eye Refractions.* Air Force personnel on active duty and NATO Air Force personnel, may obtain a refractive examination necessary under AFR 167–3 (Medical Services Ophthalmic Services)

at Air Force expense for the fitting of spectacles from a civilian physician or licensed optometrist, if the refraction cannot be obtained from an Air Force facility or other goverment agency. Air Force Reserve personnel may be authorized refractions under AFR 160–37 (Department of Defense Medical Examination Review Board).

(1) *Approval Authority.* Approval by the authority in § 880.10. Exception: Advance approval will not be required for refractions for active duty Air Force personnel in a foreign country when they are on duty away from a uniformed service unit.

(2) *Withholding Authority.* Authority will not be granted to obtain the services of a civilian physician or optometrist for refractions for:

(i) Personnel under orders to report in the near future to an installation where capable government medical facilities are available.

(ii) Personnel temporarily absent for short periods from their proper installations.

(3) *Prescribing Lenses.* Civilian physicians or optometrists performing refractions will be requested to prescribe lenses to the closest one-fourth diopter.

(4) *Procuring Spectacles.* The member will send his or her prescription for spectacles to the nearest Air Force MTF for procurement as outlined in AFR 167–3. The member may not order the spectacles from a civilian source at government expense except as permitted in AFR 167–3. The Air Force facility will mail the spectacles to the member so that a civilian physician or optometrist can adjust the frames.

(5) *Examination Charges.* Eye refractions given under this section are charged to the centrally managed allotment for medical care in non-Air Force medical facilities. The charge for refraction should be at local rates and must include the adjustment of frames and fitting of spectacles when delivered.

(b) *Surgical and Orthopedic Appliances.* Items authorized for base procurement may be provided by the civilian medical facility in connection with authorized treatment and services.

§ 880.18 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.

(a) *Hospitals and Physicians.* Complete SF 1034 (Public Voucher for Purchases and Services Other Than Personal). Also, when applicable, the following is required:

(1) The exact nature of first aid or emergency treatment.

(2) If there are any official long distance telephone or telegram charges, attach a certificate or copy of the telegram, as required by AFM 177–102, part 1, chapter 8. Show the date and amount paid for each service.

(3) If a hospital or clinic has paid a physician, nurse, or anesthetist who is not a member of its staff, include those charges in the hospital bill, but attach the receipted bill which shows that the hospital has paid them. If the hospital employs physicians, nurses, or anesthetists on a salary basis, and if payment for their services is due the hospital, the bill should state that the physician, nurse, or anesthetist is a salaried member of the hospital staff.

(4) Itemize separately any required items incident to treatment (such as crutches, special therapy, etc.).

(5) Do not pay charges for personal items for patients (such as cigarettes, rental of radio or television, meals for guests, personal phone calls, etc.) because they are not payable from Air Force funds.

(b) *Special Nursing Service.* State the place where service was rendered, the hour it began and ended, the number of hours served each day or night, and the number of days or nights served.

Note.—If a nurse went on duty at 2300 on one day, and went off duty at 0700 the next day, count this as only 1 night, even though 2 days are involved.

(c) *Dental Services.* (1) Show each service rendered (such as extraction, restoration, etc.), and the charge for each. Identify each tooth involved. Show the number of tooth surfaces involved and filling material used.

(2) Nonemergency dental care requires advance approval of the authority cited in § 888.10.

(d) *Ambulance Service.* Give the mileage involved, the flat rate or rate per mile, and any supplies or services provided, as the case may be.

§ 880.20 Veterinary care authorized.

Civilian veterinary care for Air Force owned animals and prospective military dogs is authorized at Air Force expense when:

(a) A military veterinarian is not available.

(b) Necessary equipment or facilities are not available for an Air Force veterinarian to provide the required professional services or to perform a complete physical examination.

§ 880.22 Who authorizes veterinary care.

The base or unit commander (or designated representative) where government-owned animals, military dogs, or prospective military dogs are attached, assigned, or offered may approve civilian care for these animals.

§ 880.24 Bills for veterinary services.

Each service rendered (such as X-rays, laboratory, service, hospitalization, medical treatment, splints, pins, etc.) should be listed separately and the charge shown for each item.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-14584 Filed 5-9-80; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

32 CFR Part 706

Certifications and Exemptions under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS PELELIU (LHA–5) is a vessel of the Navy which, due to its specail construction and purposes, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its specail function as a naval aircraft carrier, and (2) has found that USS PELELIU (LHA–5) is a member of the LHA–1 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 10, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles Stanley PRENTACE, JAGC, USN, Admiralty Division, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, Virginia 22332. Telephone number (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. § 1605, the Department of the Navy amends 32 CFR Part 706. This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS PELELIU (LHA–5) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the centerline positioning of masthead lights; Annex I, section 2(g) regarding the height above the hull of the sidelights, and, Annex I, section 3(b) regarding the positioning of the

sidelights in relationship to the forward masthead light. Full compliance with the aforementioned 72 COLREGS provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS PELELIU (LHA–5) is a member of the LHA–1 class of ships for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class found in the existing tables of § 706.3 are equally applicable to USS PELELIU (LHA–5).

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Two of § 706.2 is amended by adding an entry for the USS PELELIU immediately following the entry for the USS NASSAU as follows to indicate certifications issued by the Secretary of the Navy:

Table Two

Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below flight dk in meters; § 2(K), Annex I	Forward anchor light, number of; Rule 30 (a)(i)	AFT anchor light, distance below flight dk in meters; Rule 21(e), Rule 30(a)(ii)	AFT anchor light, number of; Rule 30 (a)(ii)	Side lights, distance below flight dk in meters; § 2(g), Annex I	Side lights, distance forward of forward masthead light in meters; § 3(b), Annex I	Side lights distance inboard of ship's sides in meters; § 3(b), Annex I
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
U.S.S. Peleliu	LHA–5	10.0	• • •	• • •	• • •	• • •	2.6	72.4	• • •
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •

Executive Order 11964 of January 19 1977, 33 U.S.C. §§ 1601–1608.

Effective Date: The effective date of this amendment will be April 10, 1980.

Dated: April 10, 1980.

Edward Hidalgo,

Secretary of the Navy.

[FR Doc. 80–14705 Filed 5–9–80; 9:15 am]

BILLING CODE 3810–71–M

Proposed Rules

Federal Register
Vol. 45, No. 93
Monday, May 12, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1207

Potato Research and Promotion Plan; Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This notice invites written comments on proposed expenses for the functioning of the National Potato Promotion Board. It would enable the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

DATES: Comments due by June 12, 1980.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter (202) 447–2615.

SUPPLEMENTARY INFORMATION: The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR Part 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

The proposed budget and rate of assessment should be approved prior to the Board's July 1, 1980, fiscal period as the program requires that the rate of assessment should apply to all assessable potatoes from the beginning of such period.

These proposals have been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should be classified "not significant."

The proposals are as follows:

§ 1207.409 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1980, and ending June 30, 1981, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,210,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent ($0.01) per hundredweight of assessable potatoes handled by such person during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

Dated: May 7, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-14488 Filed 5-9-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Extension of Comment Period on Advance Notice of Rulemaking on Certification of Personnel Dosimetry Processors and Public Meeting

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Announcement of a public meeting on personnel dosimetry performance testing and extension of the written comment period with respect to an advance notice of rulemaking on certification of personnel dosimetry processors.

SUMMARY: The Nuclear Regulatory Commission (NRC) recently published an Advance Notice of Rulemaking on Certification of Personnel Dosimetry Processors (45 FR 20493, March 28, 1980). The NRC will hold a public meeting to discuss with processors and others methods of improving the consistency and accuracy of dosimetry results, to review the Advance Notice of Rulemaking and the regulatory alternatives identified therein, to discuss elements of quality assurance programs, and to obtain oral comments. The comment period on the Advance Notice, which was to have closed May 27, is being extended to June 27, 1980.

DATES: (1) New comment period expires June 27, 1980.

(2) Meetings will be held May 28 and 29, 1980, from 8:30 a.m. to 4:30 p.m. Inquiries and requests to make prepared presentations should be directed in writing or telephoned no later than May 23, 1980 to Nancy A. Dennis at the address below.

ADDRESSES: (1) Comments or suggestions for consideration in connection with these alternatives should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C.

(2) The meetings will be held in the auditorium of the General Services Administration Building, 18th and F Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Nancy A. Dennis, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5970.

SUPPLEMENTARY INFORMATION: An Advance Notice of Rulemaking on Certification of Personnel Dosimetry Processors appeared in the Federal Register March 28, 1980, on which the comment period was to close May 27, 1980. The comment period is hereby extended 30 additional days, to June 27, 1980, to allow attendees to the Public Meeting also being announced by this Notice time to supplement or revise their comments on the Advance Notice. The Commission staff believes that it would be helpful in this rulemaking process (1) to provide an opportunity in an open forum for discussion of reasons for poor performance by some dosimetry processors in a pilot study recently conducted for the NRC by the University of Michigan, and for pilot study participants to discuss with each other and the NRC staff any experiences during the pilot study which led to process improvements or which for any other reason should be taken into consideration by the staff (this meeting and the Advance Notice should provide

processors with the opportunity to discuss and to effect necessary process changes well before the new regulations go into effect), (2) to review the Advance Notice of Rulemaking and the regulatory alternatives identified therein, (3) to discuss the elements of dosimetry quality assurance programs, and (4) to obtain oral comments. Oral presentations on the above subjects will be made by NRC staff personnel and by Dr. Phillip Plato, University of Michigan, contractor to the NRC. Participants who indicate in advance their desire to make prepared presentations will be allowed to do so. Advance notice of intent to make prepared presentations must be received by May 23, 1980; notice by telephone is acceptable. Time permitted for these presentations will be limited to 10 minutes each. Written comments of any length will be accepted at the meeting or may be submitted to the address indicated in the Advance Notice. Additional information on this subject is provided in the following three documents which discuss and report the results of the pilot study: NUREG/CR-1063 (Procedures Manual), NUREG/CR-1064 (Final Report), and NUREG/CR-1304 (Supplementary Report). Copies may be obtained from GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or from the National Technical Information Service, Springfield, Virginia 22161. Copies of the meeting transcript and written comments submitted may be obtained from the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.20555.

Dated at Bethesda, Md., this 7th day of May 1980

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-14636 Filed 5-9-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 80-290]

Improving Government Regulations; Semiannual Agenda

May 5, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to Board Resolution No. 79-364 (44 FR 37556; June 27, 1979), the Board is publishing an agenda of regulatory items, appropriate for publication under paragraph 5 of Resolution No. 79-364, which are currently under consideration or will be considered by the Board during the next six months.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is identified with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into two sections. Section I describes major regulatory actions which have been proposed by the Board and are under active consideration. The comment period for each item is also indicated. Section II lists major regulatory projects which are actively being developed by agency staff for possible Board consideration within the next six months. The list is not all-inclusive, but is based on knowledge available at the present time.

Section I—Proposed Regulations

1. Marketable Certificates of Deposit; Brokered Funds

Action Taken: The Board proposed amendments that would modify or delete certain requirements applicable to the issuance of marketable certificates of deposit and the acceptance of savings accounts opened or increased through the services of brokers. The proposed changes are intended to remove unnecessary obstacles to efforts of savings and loan institutions to attract funds. The proposed amendments were published at 44 FR 72602, dated December 14, 1979, with a comment period ending February 12, 1980.

Authority: The Home Owners' Loan Act of 1933, sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 7981, 3 CFR, 1943–48 Comp. 1071.

Staff Contact: John Hall, Deputy Director, Regulations Division of the Office of General Counsel (202–377–6466).

2. Reserve Requirements

Action Taken: The Board, by Resolution No. 80–104 of February 21, 1980 (45 FR 12831; February 27, 1980), proposed to amend its reserve requirements for institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, by: (1) Designating Net Worth as the statutory "reserve" account and eliminating the separate designation of the Federal Insurance Reserve subaccount; (2) Changing the reserve calculation period from the end of the year to the beginning of the year; and (3) Providing for extension of the period of time allowed for meeting the one-time reserve requirement, to a maximum of 30 years from the granting of insurance, on an application basis. The public comment period closed April 28, 1980.

Authority: The Home Owners Loan Act of 1933, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). The Federal Home Loan Bank Act, Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1437). Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. 1071.

Staff Contact: Nancy L. Feldman, Associate General Counsel, Office of General Counsel (202–377–6440).

3. Outside Borrowing

Action Taken: The Board proposed amendments that would liberalize and simplify limitations on borrowing by Federal savings and loan associations and institutions insured by the Federal Savings and Loan Insurance Corporation. The proposed amendments were published at 44 FR 62579, dated October 31, 1979, with a comment period ending December 31, 1979.

Authority: The Federal Home Loan Bank Act, Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425b, 1437); The Home Owners' Loan Act of 1933, sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. 1071.

Staff Contact: John R. Hall, Deputy Director, Regulations Division of the Office of General Counsel (202–377–6466).

4. Investments in Service Corporations

Action Taken: Pursuant to Title IV of the Depository Institutions Deregulation and Monetary Control Act of 1980, the Board proposed to amend its regulations to provide Federally-chartered savings and loan associations the authority to invest up to three percent of the association's assets in service corporations (45 FR 24178; April 9, 1980). The Act requires that not less than one-half of investments in excess of 1 percent be used primarily for "community, inner-city, and community development purposes." The Board is, therefore, requesting public comment, for a period of 30 days, concerning the types of investments that should qualify as community development investment activities. The public comment period closes May 9, 1980.

Authority: The Depository Institutions Deregulation and Monetary Control Act of 1980, sec. 401, Pub. L. 96–221; The Home Owners' Loan Act of 1933, sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. 1071.

Staff Contact: Kathleen E. Topelius, Attorney, Office of General Counsel (202–377–6444).

5. Sales of Mortgages With Recourse

Action Taken: The Board, by Resolution No. 79–496, dated November 1, 1979 (44 FR 64840, dated November 8, 1979), proposed to amend its definition of "without recourse," as that term applies to sales by insured institutions of mortgage loans or participations in loans by means of mortgage pass-through securities. Under present regulations, such sales are prohibited if the agreement of sale provides that a purchaser shall have recourse to the selling institution in the event of default in payment of any loan or mortgage involved or any part thereof. The proposed amendment would exclude from the prohibition against sales with recourse any sale of mortgages that provides for the seller to take a subordinate interest in no more than 5 percent of the mortgage pool, provided a reserve is established in the amount of the subordination.

Authority: The National Housing Act, secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. 1071.

Staff Contact: John R. Hall, Deputy Director, Regulations Division of the Office of General Counsel (202–377–6466).

Section II—Regulatory Items the Board May Consider During the Next Six Months

1. Regulations to Implement the Depository Institutions Deregulation and Monetary Control Act of 1980.

Anticipated Action: The Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96–221, 94 Stat. 161), signed by President Carter on March 31, 1980, will result in signed by President Carter on March 31, 1980, will result in very substantial changes to the savings and loan industry. To implement this legislation over the coming months the Board will be considering numerous regulatory changes, including changes that provide Federally-chartered savings and loan associations a number of new or expanded investment authorities. The Board's *preliminary* schedule for *proposed* regulations implementing statutory changes appears below; items are listed chronologically.

May

Consumer Safeguards on Mobile Home Lending

The Act requires implementation of consumer regulations under the state usury ceiling preemption section within 120 days of the effective date of the Act. (Proposal adopted today; 45 FR ———.)

Mutual Capital Certificates

The Act permits Federal associations to offer mutual capital certificates and permits their inclusion, in certain cases, in reserve accounts.

June

State Stock to Federal Stock Charter

The Act provides for a transfer from state stock to Federal stock form.

Residential Real Estate Authority

The Act revises Federals' investment authority pursuant to § 5(c) of the Home Owners' Loan Act.

Regulatory Simplification

The Act requires the agency to carefully analyze regulations prior to adoption. The Board's existing Resolution adopting the spirit of Executive Order 12044 will be revised and implemented as a policy statement.

Federal Insurance Reserve

The Act permits the statutory reserve requirement for insured institutions to be established by the Board between 3% and 6%. Any change to the reserve requirement will be accomplished in conjunction with implementation of the currently outstanding proposal.

July

Consumer Lending Power for Federals

The Act establishes a new 20% of assets basket for consumer loans, commercial paper, and corporate debt securities.

Credit Cards

The Act permits Federals to engage in credit card operations.

Money Market Fund Investments

The Act permits Federals to invest in money market funds and permits member institutions to use money market funds as legal investments for liquidity.

August

Federal Mutual Savings Banks' Leeway Authority

The Act permits Federal mutual savings banks to invest up to 5% of assets in a new leeway authority designed to permit commercial lending.

Reserves Against S&L Deposits

The Act establishes reserve requirements on transaction account deposits and short-term, non-personal time deposits. Final regulations will be acted upon to amend the liquidity provisions to include reserves held by the Federal Reserve on such deposits.

September

FHLBank Processing of NOW Accounts

The Act gives the Federal Home Loan Banks authority to process and clear Negotiable Order of Withdrawal (NOW) accounts and other drafts.

October–December

Now Account Authority

Effective December 31, 1980, all depository institutions are permitted to offer NOW accounts.

Overdraft Authority for Federals on NOW Accounts

Overdraft authority will be implemented in connection with regulations authorizing nationwide NOW accounts.

Trust Powers

The Act permits Federal associations to engage in trust operations.

Authority: The Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96 Stat. 161.

Staff Contact: Kathleen E. Topelius, Attorney, Office of General Counsel (202–377–6444).

2. Unfair or Deceptive Acts and Practices

Anticipated Action: Under Public Law 96–37, which amended the Federal Trade Commission Act, the Board must, within 60 days after the effective date of an unfair trade practice rule promulgated by the FTC, promulgate a substantially similar rule for savings and loan institutions unless the Board determines that such practice is not unfair or deceptive as to savings and loans. Board staff is developing proposed regulations governing the preservation of consumer claims and defenses ("holder in due course" rule) in anticipation of FTC rules which may require regulatory action by the Board.

Authority: Section 18(f) of the Federal Trade Commission Act, as amended, Pub. L. 96–37, 15 U.S.C. 57a(f).

Staff Contact: Patricia C. Trask, Attorney, Office of General Counsel (202–377–6442).

3. Futures Transactions and Forward Commitments in Mortgage-backed Securities

Anticipated Action: A Board task force is reviewing current regulations

regarding institutions' transactions in contracts to purchase and sell mortgage-backed securities in the forward commitment and futures markets. This review has been undertaken to determine the nature and scope of changes which may be needed to the regulations in light of the Board's experience under them to date.

Authority: The Home Owners Loan Act of 1933, secs. 402, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. 1071.

Staff Contact: Patricia C. Trask, Attorney, Office of General Counsel (202–377–6442).

4. Payment of Attorney Fees by Home Borrowers

Action Taken: 12 CFR 563.35(d) permits an insured lender to require a home borrower to reimburse, or to pay directly, attorney fees incurred by the lender in processing and closing a home loan. The Public Citizen Litigation Group, *et. al.*, has filed a petition requesting the Board to amend this regulation to give the borrower certain options in attorney selection and provide additional consumer safeguards.

The Board is delaying any decision on the merits of the Petition until the Department of Housing and Urban Development has completed collection of data, required by section 14 of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533, 12 U.S.C. 2601 *et seq.*, as amended by Pub. L. 94–205), regarding real estate settlement practices.

(The National Housing Act, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730)

Staff Contact: Kathleen E. Topelius, Attorney, Office of General Counsel (202–377–6444).

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80–14559 Filed 5–9–80; 8:45 am]

BILLING CODE 6720–01–M

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12 CFR Part 556

[No. 80–286]

Policy Statement on Branching

May 5, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing a new policy statement on branching to reflect the new branching regulations adopted today by the Board.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 9, 1980.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at that address.

FOR FURTHER INFORMATION CONTACT: Lois G. Jacobs, Attorney, (202 377–6456), at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board published in this issue of the **Federal Register**, adopted final amendments to its branching regulations (12 CFR 545.14 *et seq.*). With these amendments, the Board has consolidated its regulations governing various types of facilities into one set of branch office regulations with common requirements and procedures. The Board has also revised the regulatory branch criteria to exclude "need" and "probability of success," while maintaining the "undue injury" test, an assessment of an applicant's performance under the Community Reinvestment Act, and a determination that the association is operating in a safe and sound manner. The new regulation also adds procedures for upgrading and closing branch offices, eliminates eligibility requirements for filing branch applications, and codifies Board policy for processing branch applications from an association with a pending merger or conversion application.

The Board is proposing a new policy statement on branching to reflect the branching changes approved by the Board. It reaffirms the Board's procompetitive branching policy, further explains how the Board will evaluate branching criteria, discusses the Board's concern about implications of the name of a branch, describes its position on prompt opening of approved branches, and reaffirms its policy on the geographic limitations on the location of a branch office.

The Board is still considering further policy statement revisions regarding protest and oral argument and will publish these for comment in the near future.

Accordingly, the Board hereby proposes to revoke 12 CFR 556.5 and 556.6 and substitute new text for 12 CFR 556.5 to read as set forth below.

§ 556.5 Establishment of branch offices.

(a) *General.* (1) The Board encourages a competitive savings and loan system that provides convenient, alternative choices of facilities for improved financial services to the public. The Board believes that branching is a primary means to increase competition and serve the public. The Board recognizes that establishment of a full-service branch is one means for improving service and competition in an area and, therefore, encourages innovative ideas for branches designed to suit the needs of a particular community.

(2) As a general policy, the Board permits a Federal association to branch if state law or state practice, in absence of statutory prohibition, permits state financial depository institutions to branch or to conduct chain, group, or affiliate operations.

(3) The Board generally will approve the establishment of a branch only in the state in which the home office is located.

(b) *Supervisory clearance.*—(1) *General.* The branch regulations recognize that branching decisions are a management prerogative; however, in granting supervisory clearance to an applicant, the Board will consider whether the policies, condition, and operation of the applicant afford a basis for supervisory objection.

(2) *Net worth.* (i) For purposes of supervisory clearance, an association's net worth should equal the minimum requirements of Part 563. (ii) *Exception.* If an applicant fails to meet any of the net worth criteria, the Supervisory Agent will not grant supervisory clearance unless s/he finds that: (*a*) the existing level of net worth and recent operating results are adequate to support the proposed branch expansion; and (*b*) the association's management is capable of operating the institution in a safe and sound manner, free of significant supervisory concern.

(3) *Supervisory objection.* Supervisory objection may be interposed at any point during the processing of the application.

(c) *Community Reinvestment.* The Board, pursuant to the Community Reinvestment Act of 1977 (12 U.S.C. 2901), encourages FSLIC-insured institutions in a continuing and affirmative manner to help meet the credit needs of all members of the communities in which they do business, including low- and moderate-income neighborhoods, consistent with safe and sound operation. In this regard, the Board will review and evaluate an applicant's record under Part 563e of this Chapter, may deny an application based on the assessment of an association's CRA record, and may, in some instances, approve a branch application only on the condition that

the association improve specific aspects of its community investment practices.

(d) *Undue injury.* A branch will not be approved if its establishment will have a substantial adverse economic impact on any properly conducted local home-financing thrift institution. The Board will consider and evaluate undue injury to an institution as a whole, not merely to a branch office. Particular consideration will be given to a protest of undue injury raised by a newly-chartered or newly-insured institution because, in the Board's experience, such an institution is the type that is more likely to experience economic injury from an established association branching near it. An institution will be considered "new" if it has been chartered or insured for five or fewer years. In considering the possibility of undue injury, the Board will evaluate the total economic condition of an area and take into account such factors as substantial declines in population, employment, income, and savings potential of an area, and the performance of other local financial institutions

(e) *Protest and oral argument*—(1) *Protest.* Protests to applications for branches will have to be persuasive and factually documented to influence the Board's decisions on branch applications.

(2) *Oral argument.* [Reserved.]

(f) *Basis for approval.* The Board may approve or deny an application based on any information available to it, not just information presented by either applicant or protestant(s).

(g) *Branch openings.* The Board does not intend to allow associations to accumulate approved branch sites, holding them for eventual opening. To that end, once a branch is approved, the Board will be very strict about granting extensions of time for branch openings. If an association does not open a branch within the time specified in the approval, and the Board finds that the association is not making a good faith effort to open the branch promptly, then the approval will expire and the association will be required to reapply if it wants to branch in that location.

(h) *Branch closings.* The Board requires an association to notify the Board when it plans to close a branch. The Board does not intend to question an association's sound business decision to close a branch; it merely wants an opportunity to maintain competitive levels of service in all areas of a community, if possible.

(i) *Name of branch office.* If an association applies to establish a branch within the market area of another Federal association having a similar name, the Board may, to minimize public confusion and prevent unfair competition, condition branch approval by prescribing the name of the branch and the type of advertising that may be used in connection with such branch. In a merger or acquisition, the Board will generally allow a branch of the merged or acquired association to preserve its identity with its own name (without the word "association") followed by the words "a Division of [the name of the resulting association]."

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 14578 Filed 5-9-80; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 590

[No. 80-287]

Mobile Home Loan Consumer Protection Provisions

May 5, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed amendments.

SUMMARY: The Federal Home Loan Bank Board is proposing amendments to regulations on the preemption of state usury ceilings to require that certain consumer protections apply to mobile home loans before these loans are eligible for the usury exemption contained in the regulations. The proposal covers these areas: Balloon payments, prepayment penalties, late charges, deferral fees, thirty-day notice prior to any action leading to foreclosure or repossession, and calculation of refunds of unearned interest on precomputed finance charges. The Board is also asking for public comment regarding the need for additional consumer protection provisions.

COMMENTS MUST BE RECEIVED BY: June 5, 1980.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Patricia C. Trask (Telephone: 202–377–6442), or James C. Stewart (Telephone: 202–377–6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Background

The Federal Home Loan Bank Board is proposing amendments to its regulations in 12 CFR 590.4 on the preemption of state usury ceilings on mobile home loans (*see* 45 FR 24112, April 9, 1980). At present, these regulations, which implement section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("Act"), Pub. L. 96–221, 94 Stat. 161, provide that interest rates on mobile home loans made by any covered lender after March 31, 1980, may exceed state usury ceilings if, in the event of prepayment, unearned precomputed finance charges on the outstanding loan balance are refunded to the borrower in an amount not less than that computed by the actuarial method.

The Act provides that the actuarial rebate will be the only limitation on the usury preemption with respect to mobile home loans until the Board adopts regulations requiring more extensive protections for the mobile home buyer. Once the Board adopts such regulatory provisions (which must be effective by July 30, 1980), state usury ceilings may be exceeded by a lender covered by the Act only if the loan complies with such regulations. A mobile home loan not complying with the regulations would be open to attack under state usury laws.

Subsection (c) of section 501 of the Act requires that the Board issue regulations encompassing these subjects: balloon payments, prepayment penalties, late charges, deferral fees, 30-day notice to the consumer before a lender may begin any action leading to repossession or foreclosure, and use of the actuarial method for computing refunds upon prepayment of the outstanding balance of the loan. In formulating its proposal, the Board reviewed provisions on these subjects in the Uniform Consumer Credit Code, various state codes, and regulations of the Veterans Administration and the Federal Housing Administration.

Proposed Amendments

Applicability. The consumer safeguards described in the proposal will be required for loans secured by first liens on mobile homes. The consumer protections required by the proposal do not preempt more stringent state law provisions. *See* H.R. Rep. No. 842, 96th Cong. 2d Sess. 79 (1980). Because of the difficulty in comparing provisions, however, the proposed regulations would allow lenders to presume that Board regulations are more protective than those mandated by any state law which otherwise governs the

loan. The Governor, Attorney General, or other state official having primary enforcement responsibility under a state's consumer credit law may apply to the Board for a determination that a state's consumer protection provisions are more stringent than those required by Board regulations. Such determinations will be published in the Federal Register.

Refund of Unearned Interest in the Event of Prepayment: Paragraph (c). This requirement will have the greatest impact on loans that contain precomputed finance charges. In a precomputed loan, the total amount of the obligation includes the finance charges that the lender expects to earn if the loan is not paid until maturity. The two most common methods of accounting for the total finance charge are to add it to the amount financed and make that figure the total amount due (add-on method), or to subtract the total finance charge from the amount which is advanced to the borrower (discount method). With either method, the loan obligation is not considered satisfied in full until the borrower pays the total finance charge. The proposed amendments continue the requirement of current regulations that the borrower is entitled to a refund of unearned interest in the event the precomputed loan is prepaid in full. The amount of this refund must not be less than would be refunded if the unearned interest were calculated in accordance with the actuarial method. This requirement is intended to curb the abuses associated with the use of the "Rule of 78s" or of Sum of the Digits method of rebate calculation.

The proposal modifies the current rule somewhat by giving the lender the option of two methods for computing the refund. Under either method, the lender would have to calculate an annual percentage rate based on the charges denominated as finance charges in this section. The first method would allow the lender to make certain assumptions about past payments and would enable the lender to use the tables published by financial publishers for caluclating actuarial refunds. The other option would allow the lender to use this annual percentage rate in the same manner as if the loan had been a simple-interest transaction from the start.

Prepayment Penalites; Paragraph (d). As proposed, a lender could not assess penalties in the event a borrower chose to prepay in full the unpaid balance of a mobile home loan. The Board believes that such penalties may deter borrowers from refinancing or selling their mobile homes.

Balloon Payments: Paragraph (e). Although balloon payments may be of some use in lowering other payments, they may also represent a trap for the unwary or unsophisiticated borrower particularly if refinancing is not available when the balloon payment is due. The proposal would provide that no payment could be required in an amount more than twice that of any other regularly scheduled payment. It is believed that this position will serve to prevent abuses associated with balloon payments while, at the same time, allowing some flexibility in scheduling payments.

Late Charges: Paragraph (f). The proposal would permit assessment of late charges, but limit their amount. Some extra charge for late payments is desirable because the borrower who pays late will otherwise get extra use of credit at the same price as the punctual borrower. The proposal reflects provisions of several consumer credit codes and includes the requirement that a late charge can only be imposed once for any one installment.

The proposal would also require that any payment subsequently received must be first applied to the installment currently due and then to any accrued late charge. These provisions are designed to address the possibility that the payment received after a missed installment may not be sufficient to cover both the installment and the accrued late charge. If a lender is allowed to apply the payment received to the late charge first the current installment would not be paid in full and another late charge could be assessed. This would result in the borrower's being unable to avoid a late charge on subsequent payments.

Deferral Fees: Paragraph (g). Deferral fees are an alternative to late charges. If it appears that a payment has been or will be missed, the parties may agree to postpone the due date for the installment. The proposal limits the amount of the deferral fee to one percent of the installment or portion of installment being deferred. Any agreement to defer an installment must be in writing and signed by the parties. The agreement must incorporate the mobile home loan by reference and indicate precisely which installments are being deferred. The lender would not have the right to unilaterally impose a deferral fee if an installment is past due, nor to require the borrower to agree to such authority.

Notice Before Repossession or Foreclosure: Paragraph (h). Section 501(c)(2) of the Act directs the Board to require thirty days' notice prior to the lender's beginning any action leading to foreclosure or repossession. In addition to the notice, the proposal requires that the borrower be given notice of his/her rights to cure the default by bringing the loan current. A sample of this notice is included in the proposal.

Additional Consumer Protections

In subsection (c)(4) of section 501 of the Act, the Board is authorized to prescribe additional consumer protections for loans secured by first liens on mobile homes. However, the statutory deadline of July 30, 1980, for implementation of subsections (c)(1), (2), and (3) of the Act does not permit sufficient time for the findings required for any such additional provisions. As stated in the Conference Report accompanying the Act, Congress intends that—

> * * * before exercising this authority, the Board should carefully, but expeditiously, study the implications of each additional requirement, including consideration of the economic impact on creditors and consumers of each requirement.

H.R. Rep. No. 842, 96th Cong. 2d Sess. 79–80 (1980). Additionally, the Board, when proposing regulations under the authority of subparagraph (c)(4) of the Act, is directed to publish a report of its findings unless a particularly blatant abuse exists which is amply documented.

Thus, in order to consider whether any additional consumer protection regulations for mobile home loans are necessary, the Board requests that the public submit comments on this question, along with any reports, documentation, studies or other materials that would be useful in this process.

Accordingly, the Board hereby proposes to amend 12 CFR 590.4 to read as follows:

Regulations For Federally-Related Mortgage Loans

PART 590—PREEMPTION OF STATE USURY LAWS

§ 590.4 Consumer protection rules for Federally-related loans secured by first liens on residential manufactured homes.

(a) *Definitions.* As used in this section:

(i) Refinancing or consolidation of the indebtedness;

(ii) Actual prepayment of the indebtedness by the borrower, whether voluntarily or following acceleration of the payment obligation by the lender; or

(iii) The entry of a judgment of the indebtedness in favor of the lender.

(2) *Actuarial Method.* The term "actuarial method" means the method of allocating payments made on a debt

between the outstanding balance of the obligation and the precomputed finance charge pursuant to which a payment is applied first to the accrued precomputed finance charge and any remainder is subtracted from, or any deficiency is added to, the outstanding balance of the obligation.

(3) *Precomputed Finance Charge.* The term "precomputed finance charge" means interest or a time/price differential (including service or carrying charges and any amount payable under a discount or other system of additional charges) as computed by the add-on or discount method.

(4) *Lender.* The term "lender" means any entity covered by this Part.

(b) *General.* (1) Any loan secured by a first lien on a mobile home (defined in § 590.2) shall be exempt from state usury laws if it complies with the provisions set forth in this section.

(2) No provision of this section shall be deemed to supersede a more stringent provision under the laws of the state which otherwise governs the loan contract. However, state law provisions regulating the matters covered by this section will be presumed less stringent unless otherwise determined by the Board. A State, through its Governor, Attorney General, or other appropriate official having primary enforcement or interpretive responsibilities for its credit billing practices law, may apply to the Board for a determination that the state law offers greater protection to consumers than a comparable provision of this section.

(c) *Refund of precomputed finance charge.* In the event the entire indebtedness is prepaid, the unearned portion of the precomputed finance charge shall be refunded to the borrower. This refund shall be in an amount not less than the amount which would be refunded if the unearned finance charge were calculated in accordance with the actuarial method, except that the borrower shall not be entitled to a refund which is less than one dollar. The unearned portion of the finance charge is, at the option of the lender, either:

(1) That portion of the precomputed finance charge which is allocable to all unexpired payment periods (including the period in which prepayment is made) as originally scheduled, or if deferred, as deferred. For this purpose, the unearned precomputed finance charge is the total of that which would have been earned for each such period had the loan not been precomputed, by applying to unpaid balances of principal, according to the actuarial method, an annual percentage rate based on those charges which are considered precomputed finance charges in this section, assuming that all payments were made as originally scheduled, or as deferred, if deferred. The lender, at its option, may round this annual percentage rate down to the nearest one-half of the one percent; or

(2) the total finance charge less the earned finance charge. The earned finance charge shall be determined by applying an annual percentage rate based on the total precomputed finance charge (as that term is defined in this section), under the actuarial method, to the unpaid balances for the actual time those balances were unpaid up to the date of prepayment. If a late charge has been collected, it shall be treated as a payment.

(d) *Prepayment penalties.* A borrower may prepay in full or in part the unpaid balance of the loan at any time without penalty. The right to prepay shall be conspicuously disclosed in the loan contract.

(e) *Balloon payments.* No lender may enter into an agreement with a borrower which requires or anticipates a schedule of payments under which any one payment is more than twice the amount of an otherwise regularly scheduled payment, or where the intervals between any consecutive payments differ substantially.

(f) *Late Charges.* (1) No late charge may be assessed, imposed, or collected unless provided for by written contract between the lender and borrower.

(2) No late charge may be collected on an installment which is paid in full on or before the 15th day after its scheduled or deferred due date even though an earlier maturing installment or a late charge on an earlier installment may not have been paid in full. For purposes of this paragraph, payments are applied first to current installments, then to late installments, and then to late charges.

(3) A late charge may be imposed only once on an installment; however, no such charge may be collected for a late installment which has been deferred.

(4) A late charge on any installment not paid in full on or before the 15th day after its scheduled or deferred due date may not exceed the lesser of $3.00 or three percent of the unpaid amount of the installment.

(5) If, at any time after imposition of a late charge, the lender provides the borrower with written notice regarding amounts claimed to be due but unpaid, the notice shall state the total of all late charges claimed.

(6) Interest after the final scheduled maturity date may not exceed the maximum rate otherwise allowable under state law for written contracts, and if such interest is charged, no separate late charge may be made on the final scheduled installment.

(g) *Deferral fees.* (1) Agreements providing for deferral of all or part of one or more installments shall be in writing, signed by the parties, and

(i) Provide for a charge not exceeding one per cent of each installment or part thereof for each month from the date when such installment was due to the date when it is agreed to become payable and proportionately for a part of each month, counting each day as 1/30th of a month;

(ii) Incorporate by reference the transaction to which the deferral applied;

(iii) Disclose each installment or part thereof in the amount to be deferred, the date or dates originally payable, and the date or dates agreed to become payable; and

(iv) Set forth the fact of the deferral charge, the dollar amount of the charge for each installment to be deferred, and the total dollar amount to be paid by the borrower for the privilege of deferring payment.

(2) No term of a writing executed by the borrower shall constitute authority for a lender unilaterally to grant a deferral with respect to which a charge is to be imposed or collected.

(3) The deferment period is that period of time in which no payment is required or made by reason of the deferral.

(4) Any payment received at the time of the deferral agreement shall be applied first to reduce the installment(s) to be deferred. Subsequent payments shall be applied first to current installments, then to deferred installments, and then to accrued deferral charges.

(5) A charge may not be collected for the deferral of an installment or any part thereof if, with respect to that installment, a refinancing or consolidation agreement is concluded by the parties, or a late charge has been imposed or collected, unless such late charge is refunded to the borrower or credited to the deferral charge.

(6) No security interest shall secure payment of deferral charges imposed under this paragraph.

(h) *Notice before repossession or foreclosure.* (1) No action to repossess or foreclose may be brought against the borrower until 30 days after the lender sends the borrower the notice set forth in paragraph (h)(2) of this section. If the borrower brings the loan payment up to date within 30 days of postmark of the notice of default and subsequently defaults on the loan a second time, the lender must again give notice before bringing an action or proceeding against

the collateral, except that the borrower shall not be entitled to notice of default more than twice in any one-year period.

(2) The notice shall conspicuously state the rights of the borrower upon default in substantially the following form:

Notice of Default and Defaulting Borrower's Rights

The most recent payment on your mobile home loan with [name of lender] ("lender") was due on ———, and has not been received by the lender. This places you in violation of the terms of your loan contract. As a result, the lender has the right to sue you UNLESS you bring your loan payments up to date within 30 days of the date this notice was mailed to you.

You can bring your loan up to date by paying $——— to the lender before ——— [at least 30 days after the notice is mailed] at the following address:

If paying by mail, please send a check or money order; do not send cash.

If you do not bring your loan up to date within the time specified, the lender may sue you for the entire amount that you owe OR may take your mobile home away from you. HOWEVER, even if the lender does take your mobile home, the lender must give it back to you IF:

(1) You pay the lender the full amount of your debt plus any reasonable expenses paid by the lender in taking your mobile home, and

(2) You pay within 21 days after your mobile home is taken.

If you have any questions, please call one of the lender's loan officers at ———.

(Sec. 501, Pub. L. 96–221, 94 Stat. 161)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-14577 Filed 5-9-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. 1

[Docket No. 19906; Petition Notice No. PR 80-7]

Petition for Rulemaking of Air New England

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition of rule making; request for comments.

SUMMARY: By letter dated December 17, 1979, Air New England petitioned the Federal Aviation Administration (FAA) to amend the aircraft security requirements of § 121.538 of the Federal Aviation Regulations (FAR).

DATES: Comments must be received on or before July 11, 1980.

ADDRESS: Send comments on the petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 19906, 800 Independence Avenue S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond E. Ramakis, Chief, Regulatory Projects Branch (AVS–24), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue S.W., Washington, D.C. 20591; telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they desire. Communications should identify the regulatory docket number or petition notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–204, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before July 11, 1980, will be considered by the Administrator before taking action on the petition for rule making. 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 substantive public contact with FAA personnel will be filed in the docket. Persons wishing the FAA to acknowledge receipt of comments submitted in response to this notice should submit with those comments a self-addressed, stamped envelope on which the following statement is made: "Comments to Docket No. 19906." The postcard will be date and time stamped and returned to the commenter.

Background Information

On December 17, 1979, Air New England submitted a petition for rule making, in accordance with Part 11 of the FAR, to amend § 121.538. This petition is published in its entirety as part of this notice. This petition references Air New England's petition for exemption dated December 14, 1979. The exemption petition is also published as part of this notice.

Section 121.538 requires certificate holders to adopt and use a security screening system designed to prevent or deter the carriage of explosive or incendiary devices or weapons in carry-on baggage or on or about passengers. The petitioner contends that the high cost of complying with § 121.538 far exceeds any safety benefits.

Although this notice sets forth the contents of the petition as received by the FAA without changes, it should be understood that its publication to receive public comment is in accordance with FAA procedures governing the processing of petitions for rule making. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and to reach a conclusion on the merits of Air New England's petiton proposal after it has had an opportunity to carefully evaluate it in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking procedures on the petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rule making of Air New England Dated December 17, 1979.

Issued in Washington, D.C., on May 5, 1980.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Before the Federal Aviation Administration, Washington, D.C.

[Docket No. 19906]

Petition of Air New England, Inc.

December 17, 1979.

Petition of Air New England, Inc., for rule making to amend Federal Aviation Regulations Section 121.538 (Aircraft Security), Notice of Proposed Rulemaking 79–17, Aircraft and Airport Security, Air Carrier Operations.

Communications with regard to this document should be sent to:

Charles F. Butler, President, Air New England, Inc., Logan International Airport, Boston, MA 02128.

V. Michael Straus, Suite 401, 1001 Connecticut Ave., N.W., Washington, D.C. 20036, (202) 785–2242, Counsel for Air New England, Inc.

Before the Federal Aviation Administration, Washington, D.C.

[Docket No. 19726]

Petition of Air New England, Inc., for Rulemaking

December 17, 1979.

Petition of Air New England, Inc., for rulemaking to amend Federal Aviation Regulations Security 121.538 (Aircraft Security), Notice of Proposed Rulemaking 79–

17, Aircraft and Airport Security, Air Carrier Operations.

Air New England, Inc., pursuant to section 11.25 of the Federal Aviation Regulations ("FAR's") respectfully petitions the Administrator to amend FAR section 121.538 so that Air New England will be subject to the same security regulation (or lack thereof) as commuter air carriers operating pursuant to Part 135. Air New England urgently requests immediate relief, by Special Federal Aviation Regulation ("SFAR"), if possible. In support of this petition, Air New England alleges as follows:

1. On December 14, 1979, Air New England petitioned the Administrator for an exemption from FAR section 121.538. That petition was prompted by the damaging financial drain upon Air New England's operations. The financial damage has come about as a result of compliance with FAR 121.538, while commuter air carriers in direct competition with Air New England are not required to comply with security regulations.

2. Rather than repeat the contents of its petition for exemption filed on December 14, 1979, Air New England is attaching it hereto as Appendix A. The matters set out in that petition are directly in point for this petition for rulemaking, and Air New England incorporates herein by reference the petition for exemption.

3. The reason for filing this rulemaking petition in addition to the exemption petition, is that the Federal Aviation Administration may feel that it is barred from granting an exemption from FAR 121.538. The statutory provision creating the aircraft security program, 49 U.S.C. § 1356, contains language permitting the Administrator to exempt carrier operations from security requirements, apparently based upon their operating authority.[1]

At the time of passage of the "Air Transportation Security Act of 1974", however, Air New England was not certificated by the Civil Aeronautics Board. Congress, thus, did not intend to "catch" commuters which continue their commuter-type operations, but receive a certificate. There is no logic whatsoever in subjecting a carrier, whose operations do not change, to expensive regulatory procedures, simply because it receives a piece of paper marked "certificate of public convenience and necessity".

The FAA, therefore, should be able to exercise its statutory exemption authority to relieve Air New England's operations from the requirements of FAR 121.538. If the FAA feels otherwise, then this petition seeks temporary rule making relief.

4. Should the FAA decide that it does not desire to grant an exemption, for the reasons stated above, it most certainly has statutory authority to grant Air New England relief by amending FAR 121.538.[2] At the risk of redundancy, Air New England has set forth in the footnote below most of the text of 49 U.S.C. § 1356(a). That subsection very clearly demonstrates two things. First, that the FAA can, by statute, amend its regulations to lessen the coverage of the security provisions. Secondly, the statute clearly states that the FAA can amend such regulations on less than 30 days notice.[3]

This is precisely the relief which will lift the unnecessary, discriminatory economic burden from Air New England. Air New England has no operational history requiring compliance with FAR 121.538, as explained in Appendix A. To continue its effect upon Air New England would be to impose discriminatory economic burden without offsetting safety benefit.

5. Air New England urges the FAA to act by issuing an SFAR to immediately relieve it from FAR 121.538.[4] The SFAR can remain in effect pending disposition of Docket No. 19726, which is considering whether to impose security requirements upon commuter carriers.

Air New England is willing to abide by whatever decision the FAA reaches in Docket No. 19726. In the interim, however, it should not be required to bear the burden of FAR 121.538 while competing with commuters, especially when its operations and aircraft are virtually indentical to commuter operations and aircraft.[5]

Wherefore, Air New England, Inc. respectfully petitions the Administrator to issue an amendment or a regulation, on an expedited basis, which will relieve Air New England from the requirements of FAR 121.538 and related sections, pending disposition of the proceeding in Docket No. 19726. Air New England further requests that its commuter-type operations and aircraft be relieved from security requirements to the same extent as are commuter air carriers as defined by 14 CFR Part 298 of the CAB regulations, and for whatever other the different relief the Administrator may deem appropriate to accomplish the relief sought herein.

Respectfully submitted,

V. Michael Straus,

Counsel for Air New England, Inc.

Washington, D.C., December 17, 1979.

[1] 49 U.S.C. § 1356(b).

[2] While Air New England is seeking this relief on its own behalf, it has no objection to similar relief for similarly situated carriers.

[3] (a) The Administrator shall prescribe or continue in effect *reasonable* regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities. . . . One year after August 5, 1974, or after the effective date of such regulations, whichever is later, the Administrator may alter or amend such regulations, requiring a continuation of such screening *only to the extent deemed necessary* to assure security against acts of criminal violence and aircraft piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports . . . and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least 30 days in advance of their effective date, unless he determines that an emergency exists which requires that such regulations or amendments take effect in less than 30 days and notifies the Congress of his determination. [Emphasis supplied.]

[4] FAR 11.21 sets forth procedures for the Administrator to issue rules or amendments without notice.

[5] With the Airline Deregulation Act of 1978, some commuters now operate aircraft *larger* than those of Air New England, without the necessity of following security procedures.

Before the Federal Aviation Administration, Washington, D.C.

[Security Docket No. 19906; Docket No. 19726]

Petition of Air New England, Inc., for exemption

December 14, 1979.

Petition of Air New England, Inc., for examption from Federal Aviation Regulations Section 121.538 (Aircraft Security), Notice of Proposed Rule Making 79–17, Aircraft and Airport Security, Air Carrier Operations.

Communications with regard to this document should be sent to:

Charles F. Butler, President, Air New England, Inc., Logan International Airport, Boston, MA 02128.

V. Michael Straus, Suite 401, 1001 Connecticut Ave., N.W., Washington, D.C. 20036, (202) 785–2242, Counsel for Air New England, Inc.

Before the Federal Aviation Administration, Washington, D.C.

[Docket No. 19726]

Petition of Air New England, Inc., for exemption

Petition of Air New England, Inc., for examption from Federal Aviation Regulations Section 121.538 (Aircraft Security), Notice of Proposed Rule Making 79–17, Aircraft and Airport Security, Air Carrier Operations.

Air New England, Inc. hereby petitions the Administrator, pursuant to section 11.25 of the Federal Aviation Regulations ("FAR's") for an immediate exemption from FAR section 121.538,[1] which requires Air New England to comply with the Federal Aviation Administration's aircraft security program. The financial burden of security upon Air New England has become so onerous, in relation to the many commuter air carriers with which it competes, that any theoretical gain in safety (which is doubtful) is offset by the inordinate monetary loss.

Air New England seeks herein nothing more nor less than the same regulatory treatment accorded to its primary peers and competitors, commuter air carriers operating under Part 298 of the Civil Aeronautics Board regulations. Air New England is filing a copy of this petition in FAA Docket No. 19726, which is the rule making proceeding concerning commuter security and is willing to abide by whatever decision the FAA ultimately imposes therein. In the interim, however, it should be subject to regulatory requirements which are no more burdensome than those imposed upon competing carriers with similar aircraft and operations.

In support of this petition, Air New England alleges as follows:

1. This petition was not submitted at least 120 days in advance of the proposed effective date of the exemption because this has been

[1] Exemption also is requested from whatever related FAR sections might be necessary to remove all security requirements from Air New England's operations, as described herein. For example, while FAR section 107.15 requires the *airport operator* to provide uniformed law officers at security check points, almost invariably the airport operator forces the air carrier to pay for such law officers. As will be shown below, this provision costs Air New England $169,000 in New York *alone*.

a problem of very long duration with Air New England. The carrier's security Odyssey with the FAA has been marked by many past attempts to solve the economic impact. The burden has now become so great that immediate exemption relief is required. After attempting all other avenues for almost five years, an advance filing of 120 days is not necessary to familiarize the FAA with the problem or the facts.

2. Without delving too deeply into the murky problems of the past, a very short discussion of the history may be worthwhile.

The CAB reached its original decision to certificate Air New England on July 17, 1974, but did not actually permit certificated operations to begin until January 24, 1975.[2] Nevertheless, at about 2:00 *a.m.* on January 1, 1975, the FAA awakened Air New England's president. The FAA informed him that the carrier would be required that day to begin compliance with FAR 121.538, despite the fact that it was not yet certificated and was not yet subject to FAR Part 121.

Through this and the action of its local inspectors, Air New England was required to institute security throughout its system, without regard to the lack of a certificate, without regard to the size of plane operated, and without regard to the fact that its commuter competitors, operating the same or better equipment, were not required to comply with FAR 121.538.

3. Subsequently, after much effort, on July 21, 1976, the FAA issued an interpretation at Air New England's request. The interpretation permitted Air New England to operate small aircraft without complying with FAR 121.538, at points where small (12,500 pound gross takeoff weight) aircraft operations could be completely segregated from large (over 12,500 pound) aircraft operations.[3]

4. Commuters which operate pursuant to Part 298, however are *not* required to comply with FAR 121.538. This means that Air New England's competitors operating up to 60-seat, 18,000-pound payload aircraft can carry passengers without incurring the staggering expense of security. And, those competitors do just that.

One commuter competing with Air New England, for example, operates Convair 600 aircraft without security, whereas air New England's FH-227 *and* its non-segregable 19-seat Twin Otter operations must be subject to security procedures. This is patently discriminatory and wastefully expensive.

5. The chart below demonstrates, only partially, how expensive security is for Air New England. There are three significant cost items missing from the chart. First, the high initial and continuing replacement cost for screening equipment is missing. Secondly, the schedule slowdown caused by security procedures is costly. A commuter competitor can gather and load passengers much more quickly than Air New England at the same location. Lastly, Air New England's own labor costs are omitted in the baggage inspection column.

Air New England, Inc.—*Passenger Security Operational Costs, Calendar Years 1977, 1978 and 1979*[1]

	1977		1978		1979	
	Armed guards	Baggage inspection	Armed guards	Baggage inspection	Armed guards	Baggage inspection
BOS	$36,803	$14,229	$59,226	$22,265	$49,731	$17,773
BTV	8,553	3,985	11,192	4,092	15,587	.....
BDL	.....	.....	798	134	34,430	25,503
HYA	23,478	2,354	23,796	8,791	26,354	10,808
EEN	7,719	.....	13,259	.....	13,873	.....
LEB	14,030	.....	17,171	.....	21,675	.....
MVY	5,089	.....	6,412	.....	6,757	.....
ACK	7,539	.....	7,141	.....	11,082	.....
EWB	12,269	.....	14,029	.....	3,122	.....
LGA	125,892	.....	104,492	.....	168,903	.....
PWM	4,488	5,383	3,693	4,930	1,917	3,529
PVD	.....	.....	.....	.....	5,522	4,537
Totals	271,811		301,421		421,103	
Passengers Enplaned on "Large" Aircraft	201,773		277,868		369,819	
Security Costs Per Passenger (Large Aircraft)	$1.35		$1.08		$1.14	

[1] 1979 figures are 10 months actual and 2 months estimated.

6. The foregoing chart demonstrates several problems. First, security costs are increasing at a rate disproportionate to any reasonable measure. For example, because of the addition of two new traffic hubs, Hartford and Providence, Air New England's large aircraft passenger volume increased 83.3 percent in 1979 as compared to 1977. During this same period of time, security costs increased 54.9 percent.

The significance of this fact is that the basic operational security costs listed do not vary greatly with the number of passengers—there always must be an armed guard and baggage inspectors, no matter how many passengers. Therefore, with a sharp increase in passengers, it would be expected that relatively fixed security costs would drop sharply, *per passenger*. On its 83.3 percent increase in passengers, however, Air New England's security cost per passenger dropped a mere 16 percent.

Thus, the inflation in security cost will shortly outstrip Air New England's ability to hold its own even with extraordinary traffic increases. This is important because Air New England is becoming more and more mired down in regulatory costs, while carriers with which it competes, with equivalent aircraft, have no such cost.[4]

7. There is no way for Air New England to recover these costs. At first, the CAB permitted carriers to impose a security surcharge. While this charge was set at an unreasonably low level, at least it had the virtue of returning a set amount to the carrier, as each passenger paid the surcharge.

For whatever reasons, the CAB no longer permits a surcharge, but requires carriers to include an even lower amount in their basic fare.[5] Because of the mechanics of the CAB joint fare formula, the insignificant amount Air New England is permitted to include in its fare for security, is shared with longhaul interline carriers. A disproportionate amount is, thus, lost to the longhaul carrier.

It is also illusory to assume that in excess of $421,103 in security costs *should* be covered by Air New England's subsidy rate. While the CAB has taken security costs into consideration, this means that security costs equal more than 9 percent of the total amount of Air New England's current temporary subsidy rate.

This is a straight passthrough, with no service benefit to the public. It does not help the carrier buy fuel, pay crews, service aircraft, or perform any function related to the actual carriage of passengers or freight. However it is viewed, the Keene passenger or the taxpayer pays $1.51 per passenger for security. The New York passenger costs $1.67, Hartford $1.41, and so on.

8. The relevance of these numbers is that for the entire history of FAR 121.538, commuters have successfully operated without security and without the hijacking problems of large carriers. Air New England's operations are essentially the same as its commuter competitors.

In fact, Air New England has had one attempted hijacking. It was unsuccsssful, but the important point is that FAR 121.538 measures very likely would not have prevented the attempt. The attempt itself was hardly classic. The potential hijacker one night in March 1975 boarded an out-of-service 19-seat Twin Otter that had been ferried to Hyannis, when it was about to taxi from the ramp to the hangar. He sought to force the captain to take him to New Haven, 134 nautical miles away. The plane was blocked by Air New England and it never moved from its spot. This is hardly a history upon which to continue to force Air New England to spend over $421,000 each year, on an escalating scale.

9. The following is in response to the remaining requirements of FAR 11.25:

(a) Air New England seeks the exemption herein for all of its current aircraft, and any aircraft it will operate within the CAB Part 298 size.

(b) The exemption will be in the public interest because Air New England's service to the public will become more efficient, less costly, and less onerous to the passenger. In addition, it is in the public interest to permit Air New England to compete on the same basis as carriers with similar aircraft and similar operations.

(c) The exemption most certainly would not adversely affect safety. As shown above, Air New England's history will not support a need for security. Furthermore, Air New England's level of safety will be equivalent to every one of its commuter competitors which need not comply with FAR 121.538. Lastly, Air New England has demonstrated an equivalent level of safety by operating part of its system without security, pursuant to the July 21, 1976 FAA interpretation mentioned in paragraph 3 above.

[2] Orders 74-7-70 and 75-1-91, respectively.

[3] While the FAA's definition has now changed so that small aircraft are those with 30-passenger and 7,500-pound payload capacities, this still restricts Air New England to DHC-6 (Twin Otter) aircraft as the only ones operated without security.

[4] Air New England is not advocating a "misery loves company" result. It feels that for commuter-type operations, such as its own, FAR 121.538 is wholly inappropriate.

[5] *See, e.g.*, CAB Orders 74-9-82, 74-10-62.

(d) As stated in the opening paragraphs of this petition, Air New England requests immediate exemption relief, and would then offer to be subject to whatever ultimate rule is issued (or lack of rule) to encompass commuter carriers.

10. Air New England wishes to re-emphasize the point that it is spending *over* $421,000 annually on security alone. The costs in the chart above lack both capital costs for equipment and labor costs for the carrier's own personnel who do baggage screening. This is a stunning cost for a carrier which operates as a commuter, in competition with commuters.

There is no safety enhancement, as proven by Air New England's (and commuters') successful non-security operations, and the cost far exceeds even any potential safety benefit. Finally, this high-cost, low-benefit regulatory regime affects Air New England's small community service, in contravention of the provisions of the Deregulation Act of 1978.

Wherefore, Air New England, Inc. hereby petitions the Administrator to grant it an immediate exemption from FAR 121.538 and related security regulations, pending the outcome of the proceeding in Docket No. 19726.

Respectfully submitted,

V. Michael Straus,

Counsel for Air New England, Inc.

Washington, D.C., December 14, 1979.

[FR Doc. 80-14345 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-2]

Alteration of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Providence, R.I., and the Rhode Island transition areas in order to provide controlled airspace for approaches to Newport State Airport, Middletown, R.I., and to delete reference to the 1,200 foot transition area as currently described under Providence, R.I. This deletion would eliminate duplication of airspace currently described under both the Massachusetts and Rhode Island transition areas.

DATES: Comments must be received on or before June 12, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 80-NE-2, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

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: 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:

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, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before June 12, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed on 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.

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 Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Providence, R.I., and Rhode Island transition areas. The 700 foot transition area at Providence would be extended 8 miles south in order to provide controlled airspace for approaches to the new Runway 04 at Newport State Airport, Middletown, R.I. Also, the 1,200 foot transition area would be deleted because that transition area is included in the Rhode Island and Massachusetts 1,200 foot transition areas. These actions would eliminate duplication of airspace, increase flight safety and aid flight planning. Subpart G 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 expeditous 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:

Under Providence, R.I., the description is revised to read as follows: "That airspace extending upward from 700 feet above the surface within an 8 mile radius of the Theodore Francis Green State Airport, Providence, R.I., (Lat. 41°43'30"N., Long. 71°25'48"W.) within 2 miles each side of the Providence ILS localizer NE course, extending from the 8 mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8 mile radius area to 12 miles SW of the OM, within a 12 mile radius of the Quonset State Airport, Kingston, R.I., (Lat. 41°35'55"N., Long. 71°24'50"W.), within a 7 mile radius of the New Bedford, Mass., Municipal Airport (Lat. 41°40'37"N., Long. 70°57'34"W.) within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, and within 3 miles each side of the 038° bearing from the New Bedford OM extending from the 7 mile radius to 14.5 miles NE of the New Bedford OM within a 5 mile radius of the Fall River, Mass., Municipal Airport (Lat. 41°45'15"N., Long. 71°06'40"W.) and within 2 miles each side of the 050° bearing from the Fall River, Mass., NDB, extending from the 5 mile radius area to 8 miles NE of the NDB, and within 3 miles each side of the Island, R.I., NDB 188° bearing extending from the NDB to 8 miles south."

Under Rhode Island, the description is revised to read as follows: "That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Rhode Island including the offshore airspace within 3NM of and parallel to the shoreline of Rhode Island and that airspace bounded by a line beginning at Lat. 41°25'15"N., Long. 71°04'45"W. to Lat. 41°08'30"N., Long. 71°04'45"W., to Lat. 41°07'43"., Long. 71°07'36"W.; to Lat. 41°01'50"N., Long. 71°47'00"W.; to Lat. 41°11'15"N., Long. 71°47'00"W.; thence along a line 3 NM from and parallel to the shoreline to the pojnt of beginning; and that airspace bounded by a line beginning at Lat. 41°11'15"N., Long. 71°47'00"W.; to Lat. 41°01'50"N., Long. 71°47'00"W.; to Lat. 41°00'35"N., Long. 72°05'00"W.; to Lat. 41°12'12"N., Long. 72°21'58"W.; thence easterly via the New York and Connecticut State boundaries to point of beginning."

(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.)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Polices 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 5, 1980.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-14341 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-WE-5]

Proposed Alteration of Transition Area, Douglas, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter a portion of the 700-foot transition area at Douglas, Arizona, so as to provide controlled airspace for the procedure turn area on the west side of the approach course for the VOR Rwy 17 and VOR/DME Rwy 17, Bisbee-Douglas International Airport approach procedures.

DATE: Comments must be received on or before June 10, 1980.

ADDRESSES: Send comments on the proposal in triplicate to Director, Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261. A public docket will be available for examination in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, Telephone: (213) 536-6270.

FOR FURTHER INFORMATION CONTACT: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making 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 Chief, Airspace and Procedures Branch, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 10, 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 received 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 rule making (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261, or by calling (213) 536-6180. 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.

Drafting Information

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would redesignate the Douglas, Arizona 700-foot transition area. This action will provide controlled airspace protection for IFR operations at the Bisbee-Douglas International Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

71.181 Douglas, Arizona

Delete all between . . . "within 4.5 miles southwest and 9.5 miles northeast . . ." and substitute therein; . . . "within 4.5 miles northeast and 9.5 miles southwest . . ."

(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 11.65.)

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 Los Angeles, Calif., on April 30, 1980.

W. R. Frehse,

Acting Director, Western Region.

[FR Doc. 80-14346 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NW-02]

Proposed Alteration of Transition Area Withdrawal of NPRM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Relemaking (NPRM).

SUMMARY: The Notice of Proposed Rulemaking concerned alteration of 700-foot Transition Area at Bend, Oregon, to provide controlled airspace for aircraft executing the VOR/DME Runway 18 Standard Instrument Approach developed for the Sun River Airport, Bend, Oregon.

DATES: Upon publication.

FOR FUTHER INFORMATION CONTACT: Robert L. Brown, Operations, Procedures and Airspace Branch, Air Traffic Division, ANW-534, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone: (206) 767-2610.

SUPPLEMENTARY INFORMATION: On February 14, 1980, the FAA published for comment a proposal to alter 700-foot Transition Area at Bend, Oregon, to accommodate a VOR/DME Standard Instrument Approach Procedure developed for the Sun River Airport. Because the VOR radial required for the approach will not support the procedure due to excessive course roughness and scalloping the proposal is withdrawn. The withdrawal of this notice, however, does not preclude the future issuance of a similar notice by the FAA.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 80-NW-02, Notice of Proposed Rulemaking, (47 FR 9946), is hereby withdrawn.

(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 CFR 11.65.)

Note.—The Federal Aviation Administration 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 the regulatory action involves as 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 Seattle, Washington, April 30, 1980.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 80-14348 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AAL-8]

Proposed Alteration of Control Zone and Transition Area Northway, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to alter the Northway, Alaska, control zone and transition area by providing additional protected airspace for two new instrument approach procedures and eliminating the protected airspace now designated for the present instrument approach procedure, which will be cancelled. The Nabesna NDB, on which the present instrument approach procedure is established, is being relocated. When the NDB relocation is complete, the present instrument approach will be cancelled and two new instrument approach procedures allowing straight in approachs to Runways 4 and 22 will be established. These changes in the instrument approach procedures to the airport necessitate the alteration of the control zone and transition area.

DATE: Comments must be received on or before June 12, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Alaskan Region, Attn: Chief, Air Traffic Division, Docket No. 80-AAL-8, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location:

Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513.

An informal docket may be examined at the office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, at the above address.

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:

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, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before June 12, 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 docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513, or by calling (907) 271-5903. 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 application procedures.

The Proposal

The FAA is considering an amendment of subpart F and subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Northway, Alaska control zone and transition area. This alternation is necessary to provide protected airspace for two new instrument approach procedures and to eliminate a portion of

protected airspace which will no longer be required when the present approach procedure is cancelled.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 356, 445) as follows:

Under § 71.171, "Northway, Alaska: Within a 5 mile radius of Northway Airport (lat. 62°57'N., long. 141°55.6'W.) and within 2 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."

Under § 71.181, "Northway, Alaska: That airspace extending upward from 700' above the surface within 4.5 miles south and 9.5 miles south and 9.5 miles north 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; and that airspace extending upwards from 1,200 feet above the surface within 10 miles NE and 10 miles SW of the 304° and 124° bearings from the Nabesna NDB extending from 10 miles SE to 20 miles NW of the NDB."

(This amendment is proposed under the authority of § 307(a) of the Federal Aviation Act of 1958, as amened (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 April 28, 1980.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 80-14349 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-16]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate controlled airspace near Madison, Minnesota in order to accommodate a new instrument approach into Dawson-Madison Airport, Madison, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before June 13, 1980.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-16, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FUTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-16, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before June 13, 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.

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 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 G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700 foot controlled airspace transition area near Madison, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (45 FR 445) the following transition area is added:

Madison, Minn.

That airspace extending upward from 700 feet above the surface within an 8.5 SM radius of the Dawson-Madison Airport (latitude 44° 59' 25"N, longitude 96° 10' 50"W) and that airspace extending upward from 1200 feet above the surface 5 SM either side of the 072° bearing from the Watertown, South Dakota, VORTAC to the Dawson-Madison NDB (latitude 44° 59' 03"N, longitude 96° 10' 44"W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration 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 draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-16, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on April 29, 1980.

William S. Dalton

Acting Director, Great Lakes Region.

[FR Doc. 80-14481 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 215

[Docket No. R-80-810]

Flexible Subsidy Program—Funding of Increases in Rent Supplement Contract Payments

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing, and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following interim rulemaking document:

24 CFR Part 219—Flexible Subsidy Program—Funding of Increases in Rent Supplement Contract Payments

This interim rule would provide for the funding of increases in rent supplement contract payments for eligible projects under the flexible subsidy program. Since HUD has exhausted its appropriated rent supplement contract funds, additional assistance for rent supplement units may now be provided only through the Flexible Subsidy Program, for "troubled projects".

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., May 6, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-14498 Filed 5-9-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-44]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Palm Beach County, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Town of Palm Beach, the Coast Guard is considering amending the regulations governing the operations of the Flagler Memorial Bridge, mile 1021.9, and Royal Park Bridge, mile 1022.6, across the Atlantic Intracoastal Waterway (AIWW). Operating restrictions that are presently in effect from December 1 through April 30, would be extended to November 1 through May 31. The year round restrictions in effect on the Southern Boulevard Bridge, mile 1024.7, across the Atlantic Intracoastal Waterway (AIWW) would be decreased to November 1 through May 31. This proposal would provide closed periods Monday through Friday during peak vehicular traffic. It is being made because of significant increases in vehicular traffic during these periods. This action will relieve vehicular traffic during the morning and evening rush hours and establish openings during the normal working hours, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1980.

ADDRESS: Comments should be submitted to and are available for examination from 7:30 a.m. to 4 p.m., Monday through Friday, during normal working hours at the office of the Commander (oan), Seventh Coast Guard District, 51 Southwest First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone (305) 350-4108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed envelope or post card.

The Commander, Seventh Coast Guard District will evaluate all communications received and determine a course of final action on the proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Robert N. Kessler, Bridge Administration Specialist, Office of Aids to Navigation Bridge Section and Lieutenant John M. Griesbaum, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of the Proposed Regulations

Drawbridge regulations which currently govern the operation of the Flagler Memorial and Royal Park bridges would be extended for two months. In addition, fewer openings would be required during morning and evening rush hours. The periods of restricted openings for the Southern Boulevard bridge would be modified to more closely match peak vehicular traffic periods. This bridge would only be required to open twice an hour at other times. However, these restrictions would be in effect for five fewer months than those that presently apply to the Southern Boulevard bridge.

These modifications are being considered in an effort to relieve increased vehicular traffic during the peak periods on these bridges. The Coast Guard is therefore presenting this proposal for comment from affected and interested parties.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended as set forth below:

1. By revising § 117.440 to read as follows:

§ 117.440 Lake Worth, AIWW, mile 1021.9, Flagler Memorial Bridge, SR A-1-A, Palm Beach, Florida.

(a) From November 1 through May 31, Monday through Friday, excluding Federal holidays, except as provided in paragraph (b) of this section, the owner of or agency controlling the bridge shall not be required to open the draw from 8 a.m. to 9:30 a.m. and from 4 p.m. to 5:45 p.m.; however, the draw shall open at 8:30 a.m. and 4:45 p.m., if any vessels are waiting to pass. From 9:30 a.m. to 4 p.m.,

the draw need not open except on the hour and half hour to pass all accumulated vessels. At all other times the draw shall open on signal.

(b) The draw shall open at any time for passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

2. By revising § 117.440a to read as follows:

§ 117.440a Lake Worth, AIWW, mile 1022.6, Royal Park Bridge, SR 704, Palm Beach, Florida.

(a) From November 1 through May 31, Monday through Friday, excluding Federal holidays, except as provided in paragraph (b) of this section, the owner of or agency controlling the bridge shall not be required to open the draw from 8 a.m. to 9:30 a.m. and from 3:30 p.m. to 5:45 p.m.; however, the draw shall open at 8:45 a.m., at 4:15 p.m. and 5 p.m., if any vessels are waiting to pass. From 9:30 a.m. to 3:30 p.m., the draw need not open except on the quarter and three-quarter hour to pass all accumulated vessels. At all other times the draw shall open on signal.

(b) The draw shall be open at any time for the passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

3. Adding a new § 117.440b immediately after 117.440a to read as follows:

§ 117.440b Lake Worth, AIWW, mile 1024.7, Southern Boulevard Bridge, SR 700/80, Palm Beach, Florida.

(a) From November 1 through May 31, Monday through Friday, excluding Federal holidays, except as provided in paragraph (b) of this section, the owner of or agency controlling the bridge shall not be required to open the draw from 8 a.m. to 9:30 a.m. and from 4 p.m. to 5:45 p.m.; however, the draw shall open at 9 a.m., and 4:45 p.m., if any vessels are waiting to pass. From 9:30 a.m. to 4 p.m., the draw need not open except on the hour and half hour to pass all accumulated vessels. At all other times the draw shall open on signal.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: April 28, 1980.

B. L. Stabile,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 80-14569 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI-5621]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction to proposed rule for the Township of Carroll, York County, Pennsylvania.

SUMMARY: In order to correctly reflect the 100-year base flood elevations as they appear on the Flood Insurance Study and Rate Map for the Township of Carroll, York County, Pennsylvania, the proposed notice of flood elevation determination should be amended for specific locations as follows:

Source of flooding	Location	Elevation
Dogwood Run	Upstream side of State Route 74 (Carlisle Road).	469
	3,000 feet upstream of Campground Road upstream Corporate Limits.	615

The other locations and elevations listed for the community are correct as published.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

EFFECTIVE DATE: May 12, 1980.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of proposed determinations of base (100-year) flood elevations for selected locations in the Township of Carroll, York County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

(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 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14452 Filed 5-9-80; 8:45 am]

BILLING CODE 6718-03-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1069

Grantee Personnel Management Policies for Programs Funded Under Titles II, IV, and VIII of Economic Opportunity Act of 1964

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration (CSA) is filing a proposed rule to revise grantee personnel management policies and procedures for programs funded under Titles II, IV, and VII, of the Economic Opportunity Act of 1964, as amended (EOA). This revision is necessary to include legislated amendments and to modify current requirements. This rule will consolidate where feasible previously published policies into one subpart, will clarify and modify personnel management procedures and will provide elements that grantees must address in the development and/or revision of their personnel management policies.

CSA has determined that based on its published criteria implementing

Executive Order 12044, this proposed rule is significant.

DATE: CSA welcomes and encourages comments on the proposed rule. All comments received prior to July 11, 1980. will be considered in drafting the final rule.

ADDRESS: Please address all comments to: Rita C. Kane, Policy Development and Review Division, Office of Community Action, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Rita C. Kane, Telephone (202) 254–5047; Teletypewriter (202) 254–6218.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking annoncing the planned revision of Agency regulations that govern grantee personnel management was published in the November 16, 1978 issue of the **Federal Register.** The Agency requested comments on all areas of grantee personnel management and particularly personal views on topics of concern and specific problems encountered in interpreting or in implementing the policies. Approximately 25 responses were received from Community Action Agencies and CSA Regional Offices. CSA would like to thank all of those people for their time and interest in responding to the Notice.

In revising its personnel policies, CSA has determined that the interests of grantees would be better served if personnel policies were more tailored to meet the individual circumstances and needs of grantees. Therefore, this proposed rule which contains policies mandated by the Economic Opportunity Act of 1964, as amended, and those administratively imposed by CSA also includes general standards and elements around which grantees shall develop, revise and implement personnel policies and procedures.

Responses to comments received are as follows: A majority of the comments received concerned salary limitation policies. This proposed revision eliminates the 20% salary increase limitation imposed on promotions and salary and merit increases for those employees within the grantee's organization whose proposed annual salary will be less than $18,000. However, the limitation to 20% increase over immediately preceding employment for new employees and the salary limitation for employees whose salaries will exceed $18,000 are mandated by law for grantees funded under Title II of the EOA and are, therefore, beyond the scope of the Director's administrative discretion to change. The remaining comments were concerned with the areas of grievance procedures, periodic merit increases, fringe benefit payments, criteria for overtime and compensatory time, employee qualification standards, acceptance of gifts and gratuities, conflict of interest, wage comparability study and required personnel documents and records. Policies, elements and standards have been included in the text of the proposed rule to cover these areas.

Major areas of policy revision reflected in this proposed rule include:

(a) Provision for grantees to have greater flexibility in developing their personnel management policies;

(b) Addition of a requirement that the duties of CAA and CDC executive directors be exclusively those of admininistering and conducting the programs and activities of grantees even if the salary is shared by other sources;

(c) Elinination of the 20% limitation for salary increase, promotions and job changes for those employees whose annual salary is less than $18,000;

(d) Addition of minimum fringe benefit requirements;

(e) Addition of a requirement that grantees develop and implement a training and career development program for their employees, and tailor programs to meet the needs of low-income, non-professional and unskilled employees;

(f) A listing of minimum required documents to be contained in employees' personnel files;

(g) A listing of minimum elements to be included in personnel policies.

In addition CSA's General Counsel has determined that the provisions of the Fair Labor Standards Act governing overtime and compensatory time are not applicable to public or private nonprofit grantees funded under the Economic Opportunity Act. Therefore, § 1069.10–4(c) of this proposed rule requires that grantees develop their own policies on overtime and compensatory time. However, these policies cannot be more liberal than those of other comparable agencies in the community or, for public grantees those of the established civil service or merit system.

Subparts deleted are 1069.9, 1069.20, 1069.21, 1069.22, 1069.24, 1069.25, 1069.26, 1069.27, 1069.28, 1069.29, and 1069.30.

(Sec. 602, 78 Stat. 530; (42 U.S.C. 2942))

William W. Allison,

Acting Director.

PART 1069—GRANTEE PERSONNEL MANAGEMENT

1. In 45 CFR Part 1069, the following subparts are deleted:

Subpart 1069.9 Policy and Procedures on $18,000 per year Salary Limitation, CSA Instruction 6903–1a, Sections 1 through 6. [Deleted]

Subpart 1069.20 Personnel Policies and Procedures Under Title II, Section 221, 222(a), 230, and Titles IV and VII, CSA Instructions 6900–01 and 6903–3, Sections 1 through 12. [Deleted]

Subpart 1069.21 Personnel Policies and Procedures [Under Title II, Section 231], CSA Instruction 6900–03, Sections 1 through 11. [Deleted]

Subpart 1069.22 Personnel Policies and Procedures [Under Title II, Sections 221, 222(a), 230, 232, and Titles IV and VII], CSA Instruction 6900–02, Sections 1 through 9. [Deleted]

Subpart 1069.24 Employment of Persons with Criminal Records, CSA Instruction 6901–1, Sections 1 through 8. [Deleted]

Subpart 1069.25 Assistance to Vietnam-Era Veterans, CSA Instruction 6901–2, Sections 1 through 9 and Appendix A to Subpart 1069.25. [Deleted]

Subpart 1069.26 Social Security Coverage for Employees Under CAP Grants, CSA Instruction 6906–01, Sections 1 through 7. [Deleted]

Subpart 1069.27 Outside Employment of Grantee and Delegate Agency Personnel, CSA Instruction 6907–4, Sections 1 through 4. [Deleted]

Subpart 1069.28 Prohibition Against Acceptance of Gifts and Gratuities, CSA Instruction 6909–1, Sections 1 through 4. [Deleted]

Subpart 1069.29 Conflicts of Interest in Community Action Program Contracts, CSA Instruction 6909–01, Sections 1 through 8. [Deleted]

Subpart 1069.30 Personnel Policies and Procedures [Applies to State Economic Opportunity Offices under Title II, Section 231], CSA Instruction 6900–04, Sections 1 through 4. [Deleted]

2. 45 CFR Part 1069 is amended by adding the following subpart:

Subpart 1069.10—Grantee Personnel Management Policies

Sec.

1069.10–1 Applicability.
1069.10–2 Policy.
1069.10–3 Standards Governing Selection of Personnel.
1069.10–4 Compensation.
1069.10–5 Wage Comparability.
1069.10–6 Personnel Plans and Records.
1069.10–7 Conditions Governing Employment.
1069.10–8 Biographical Information.
1069.10–9 Assistance to Vietnam-era Veterans.

Authority: Sec. 602, 78 Stat. 530; (42 U.S.C. 2942).

Subpart 1069.10—Grantee Personnel Management Policies

§ 1069.10–1 Applicability.

This subpart applies to all grantees and their delegate agencies funded by CSA under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended. Statements of exclusion are contained where applicable.

§ 1069.10–2 Policy.

(a) Although employees of CSA-funded grantees and their delegate agencies are not Federal employees, the Economic Opportunity Act mandates that these organizations observe certain standards and adopt rules in the area of personnel management. For example, Section 213 of the Economic Opportunity Act of 1964, as amended (EOA) mandates that community action agencies (CAA):

(1) Observe, the standards of organization, management and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of Title II and the objective of providing assistance effectively and efficiently;

(2) Establish and adopt rules to assure full staff accountability, in matters governed by law, regulations or agency policy; and

(3) Adopt rules designed to:

(i) Establish specific standards governing salaries, salary increases and other employee benefits;

(ii) Assure only persons capable of discharging their duties with competence and integrity are employed;

(iii) Promote or advance employees under impartial procedures calculated to improve agency performance and effectiveness;

(iv) Guard against personal or financial conflict of interest; and

(v) Define employee duties of advocacy on behalf of the poor.

(b) In order to implement these legislative requirements CSA requires that grantees develop and implement personnel policies which are in compliance with this subpart as well as with Federal, State and local government laws and regulations governing personnel practices that are not in conflict with CSA's legislatively mandated policies and that assure fair and equitable treatment of all grantee staff and that take into consideration the mission of the grantee. Grantees must provide a copy of their personnel policies and any amendments or revisions to each of their employees.

(c) Grantees also shall provide maximum employment opportunities to poor residents of the area and members of the group served. They are also encouraged to employ persons fifty-five years of age and older as regular, part-time and short-term staff as mandated by Section 223 of the EOA.

§ 1069.10–3 Standards governing the selection of personnel.

(a) Each grantee and delegate agency shall employ only persons who can perform their duties with competence and integrity.

(b) Priority consideration shall be given to qualified poor residents of the area are covered by the grantee. A credentialed, formal education shall not be used as a criterion for employment except for those positions that require specific skills or professional training, i.e., doctors, nurses, accountants, etc.

(c) The duties of executive directors of Community Action Agencies (CAAs) (whether public or private) and Community Development Corporations (CDCs) shall be exclusively those of administering and conducting the programs and activities of the CAA or CDC regardless if the salary is shared by other sources.

(d) The possession of a criminal record alone shall not be the basis for determining unsuitability of an individual for employment.

(e) Discrimination based on race, creed, color, national origin, sex, age or handicap is prohibited in the selection of an applicant to fill a vacancy (see Parts 1010 and 1011 of this Chapter.)

§ 1069.10–4 Compensation.

(a) *Salaries and wages.* Employees shall be paid at a rate no lower than the Federal minimum wage rates prescribed in Section 6(a)(1) of the Fair Labor Standards Act of 1938. Subject to this minimum, the salary for each position supported by CSA funds or provided as contribution to the non-Federal share shall be in accordance with prevailing local practice for comparable positions in local public and/or private nonprofit agencies (See Section 1069.10–5 of this subpart).

(b) *Limitations.* The EOA places certain salary limitations on employees of CSA funded grantees.

(1) *20% salary limitation.* (i) Section 610(b) of the EOA prohibits employees whose compensation exceeds $8,000 per annum and who are paid pursuant to any grant, contract or agreement authorized under Part A of Title II from receiving a rate of compensation that exceeds 20% of the salary received in his/her immediately preceding employment. CSA administratively has extended this limitation to all grantees. (Salaries of individuals employed less than 12 months shall be calculated to cover a 12-month period in order to determine the annualized salary.) In addition CSA is imposing a 20% limitation, within any 12-month period, on any salary increases resulting from a change in an employee's title or position, or from a promotion for all grantee personnel receiving more than $18,000 per annum.

(ii) A written request for an exception to this requirement may be submitted to the appropriate CSA administering office. The request for exception shall document the reason(s) on a case-by-case basis. Criteria for exception shall include, but not be limited to:

(A) Completion of education or training;

(B) Work experience prior to immediately preceding employment;

(C) Cost of living increases;

(D) Geographical location of immediately preceding employment;

(E) Equal pay for equal work;

(F) Underutilization in previous employment;

(G) Local comparability of salary in previous employment.

(iii) CSA will inform the grantee in writing when an exception is granted.

(2) *$18,000 salary limitation.* (This requirement is applicable to grantees funded under Title II only.)

(i) Section 244(2) of the EOA prohibits employees engaged in carrying out community action program activities funded under Title II from receiving a salary in excess of $18,000 from project funds without prior approval by CSA.

(ii) Local grantees may pay more than the $18,000 rate using their own sources for the excess compensation. However, Section 244(2) prohibits the use of this excess compensation to satisfy the grantee's non-Federal share requirement.

(iii) A grantee may apply for an exception to the $18,000 salary limitation for positions which call for a person with specialized or professional skills, for which salary levels are comparable locally and without which program operations would be impaired. Such positions may include but not be limited to executive directors, program directors, department heads, doctors, lawyers, accountants, instructors, or planners. In all cases the grantee must provide documentation to the appropriate CSA administering office in order to receive an exception. The documentation should include at a minimum a brief description of the position, the need for the position, the salary range requested, local comparability data on the salary for the position, amount of CSA funds which will be applied to the salary, the need for a person with qualifications calling

for the salary requested, and anticipated difficulties in filling the position if a lower salary were offered. The appropriate CSA administering office may request additional justification and/or documentation if the submission is inadequate as a basis for judgment. The grantee will be informed in wiriting when an exception is granted. CSA approval will be required for any succeeding increases, for example, step increases, indirect costs, cost of living increases, etc., which would increase the salary for that position beyond the previously approved salary range.

(iv) Where an employee works only part-time for a grantee the $18,000 per year restriction will apply pro rata to that portion of the work which is charged to the grantee.

(3) *Indirect compensation.* When a CSA grantee receives funds from a non-CSA source to finance in part its administrative costs, such funds cannot be used to increase the income of any employee beyond that which is included in the approved salary schedule or, for positions over $18,000 funded under Title II, that salary specifically approved by CSA. If such indirect funds would result in an increase in income, the CSA portion of the employee's salary shall be reduced on a dollar for dollar basis. Any excess CSA funds remaining as a result of this action may be reprogrammed by the grantee. A CSA Form 325b, Request for Amendment to Grant, must be forwarded to the appropriate CSA administering office for approval to reprogram these funds.

(c) *Overtime and compensatory time.* Grantees shall have policies for compensation for overtime and compensatory time. These policies may not be more liberal than those of other comparable agencies in the community or, for public grantees, those of the established civil service or merit system.

(d) *Merit increases and promotions.* Grantees shall have merit promotion procedures that are equitable and are comparable with prevailing local practices or those already established as part of the civil service policies.

(e) *Cost of living increases.* If a grantee makes provision for cost of living increases these increases must be comparable to those in use locally or, for public grantees, those included in the merit system schedule.

(f) *Leave and holidays.* Grantees shall have policies for leave and holidays that are comparable locally or use already established civil service policies or merit system policies.

(g) *Interview expenses.* Grantees, but not delegate agencies, may pay interview travel expenses for individuals applying for the position of executive director and other senior staff including staff for hard-to-fill skilled and professional positions. Travel and per diem expenses shall be paid in accordance with the provisions set forth in Subparts 1069.3 and 1069.4 of this Part or with already established civil service policies.

(h) *Moving costs.* Grantees may pay for moving expenses for persons hired to fill senior level or hard-to-fill positions.

(1) The grantee shall determine the portion of such moving expenses it will pay or use already established civil service policies. Travel and per diem costs shall be paid as prescribed in subparts 1069.3 and 1069.4 of this Part. CAAs are cautioned that moving expenses are charged to funds allocated for administraive costs expenditures which are limited by the EOA. (See Subpart 1068.3 of this Part).

(2) Documentation of moving expenses paid must be retained in grantee files for review by CSA or the U.S. Comptroller General. Grantees shall maintain documentation on file as to the reasons for hiring a person from a different locality including what steps were taken to hire an individual locally for the position.

(i) *Fringe Benefits.* Grantees may participate either in existing benefits plans or may establish new plans consistent with locally prevailing practices. Listed below are the minimum elements for any fringe benefit package for grantees who do not participate in existing benefit plans or choose to establish new plans. The employer's share of required contribution to fringe benefit payments is an allowable grant expenditure. CSA may request documentation and/or justification for fringe benefit costs that appear excessive. Excessive costs may be disallowed.

(A) Social Security (or pension plan);
(B) Health insurance;
(C) Unemployment compensation; and
(D) Workmen's compensation.

§ 1069.10–5 Wage comparability.

(a) *Introduction.* Section 610(a)(1) mandates that the salary of employees of programs funded under Title II of the EOA be comparable to salaries paid locally to persons providing substantially comparable services. This requirement is extended to Titles IV and VII. However, if the employee received a higher salary in the area of his/her immediately preceding employment and the salary was comparable in that area, the employee may be compensated at the higher rate of pay. Positions filled by CSA-supported public or private nonprofit organizations that are under established civil service or other merit systems will be deemed comparable. A signed statement documenting this shall be retained on file. Further documentation may be requested by the appropriate CSA administering office on how the comparability was determined.

(b) *Grantee Responsibilities.* Grantees are responsible for developing wage comparability standards. For public grantees already covered by a civil service wage scale, this scale shall be deemed acceptable. Grantees must:

(1) Determine wage and salary comparability in accordance with the provisions of this section.

(2) Prepare and sign a statement certifying that wage comparability standards have been met, to be maintained on file for review by CSA officials.

(3) Assure that delegate agencies establish wage comparability standards.

(c) *Comparability Determination Procedures.* The following are means for undertaking wage comparability determinations. Methods for establishing wage comparability will vary among grantees and delegate agencies.

(1) *Organizational Review.* Appropriate staff should review the organizational plan and job descriptions to insure currency and direct relationship to the missions and functions of the agency. A review of the total personnel structure is a necessary first step in conducting wage surveys or position analyses.

(2) *"Bench-Mark" Job Identifications.* Appropriate staff should identify "bench mark" jobs at several levels in the organization for which local comparability can be determined and in relationship to which compensation for other jobs may be set. The salary of the Director will generally be a bench mark position in setting salary ranges for senior level positions. Grantees are cautioned, however, against using the Director's position or any other position as a bench mark if the incumbent's salary is not related tolocal wages, but rather to wages in the area of immediatley preceding employment. At the low end, employees to be compensated at the minimum wage rate will also be bench mark positions.

(3) *Source of Data.* In most communities, several sources are available for consultation in determining comparability.

(i) *Published Wage Surveys.* Bureau of Labor Statistics survey reports are particularly valuable in establishing wages for office, maintenance and custodial jobs. When published sources of salary data are used, the grantee should remember that the precise salary figure may not be an exact guide to the

salary which should be paid. Adjustment may be needed because of the experience and expertise of the particular employee. A salary survey generally presents an average rate or range for a number of employees occupying similar positions. The entry rate for that position should be set lower and the rate for an employee with long experience and considerable expertise higher.

(ii) *Local State Employment Offices.* Local offices of the State Employment Service may have published information on local wage scales.

(iii) *Local Government.* Local city or county governments will have data on local public pay scales and may know of local wage surveys not obtainable elsewhere.

(iv) *Other Local Agencies.* Other local agencies may employ persons in substantially comparable jobs. Appropriate grantee staff may wish to make an informal check with a few agencies which employ persons in positions comparable to those of the grantee. The grantee or delegate agency should not use this source, however, in establishing salaries for jobs on which information from the above sources is available.

(v) *State Government Data.* If local data for some positions is not available from any of the above sources or if the only comparable jobs are in State government, the grantee should look to Statewide sources. State governments through personnel departments will usually be able to provide the salary schedules for State employees.

(vi) *National Data.* If the appropriate grantee staff can discover neither local nor State data on a certain position or group of positions after exhausting the above sources, or if persons are required with such unusual skills that the labor area for the skill is nationwide, the grantee may then check national data to verify that the salary planned for that position is reasonable. However, any rate based on national comparability should be adjusted to relate to a bench mark position for which local comparability has been established. This may require an adjustment in accordance with the local cost of living.

(4) *Comparability Certifications.* Documentation of the methods by which the grantee established comparability should be available in the grantee's files for review by the appropriate CSA administering office and the U.S. Comptroller General's office.

§ 1069.10-6 Personnel Policies and Records.

(a) *Promulgation of Personnel Policies.* Appropriate grantee staff should review all CSA policies governing personnel policies and practices as well as other Federal, State and local laws governing pesonnel management practices prior to development or revision and implementation of personnel policies and procedures.

(1) Grantees shall have personnel policies and procedures that adequately provide for staff staff accountability and for equitable treatment of all employees.

(2) Grantees shall consult with other State or local private or public agencies in developing personnel policies.

(3) Grantees shall provide a copy of their personnel policies, and any amendments or revisions, to each of their employee.

(4) Elements that must be included in grantee personnel policies and procedures are as follows: (Note: Please indicate those policies which implement State or local statutory requirements different from those required by this regulation.)

(i) Recruitment procedures;
(ii) Application procedures;
(iii) Standards governing selection of personnel;
(iv) Classification and qualification standards;
(v) Salary schedules;
(vi) Salary advances;
(vii) Overtime and compensatory time policies;
(viii) Leave policies;
(ix) Cost of living increase;
(x) Holidays;
(xi) Rules governing periodic increases;
(xii) Promotion policies;
(xiii) Anti-discrimination policies including age and sex and the agency's affirmative action plan;
(xv) Standards governing conduct of employees;
(xvi) Grievance procedures;
(xvii) Rules governing removal for unacceptable job performance;
(xviii) Rules governing adverse actions;
(xix) Outside employment policies;
(xx) Termination without cause;
(xxi) Suspension;
(xxii) Employment of persons with criminal records;
(xxiii) Procedures for handling employees arrested or indicted for a crime;
(xxiv) Performance evaluation criteria;
(xxv) Conflict of interest;
(xxvi) Nepotism;
(xxvii) Acceptance of gifts and gratuities;
(xxviii) Interview and moving expenses;
(xxix) Awards;
(xxx) Career development and training program;
(xxxi) Policies on voluntary payroll deductions;
(xxxii) Procedures for handling claims for job related injury or death;
(xxxiii) Occupational health and safety rules;
(xxxiv) Severance pay;
(xxxv) Organizational chart;
(xxxvi) Functional statements;
(xxxvii) Any requirements based on State and local or ordinance;
(xxxviii) Personal debt;
(xxxix) Personal problems (alcoholism, mental, physical);
(xxxx) Political activities;
(xxxxi) Lobbying;
(xxxxii) Direct action.

(5) Organizations whidh are operating under grants from CSA as of (the publication date of this Subpart) shall revise their personnel policies to reflect the changes in policy contained herein. The revised personnel policies shall be submitted to the appropriate CSA administering office for review and approval by (120 days after publication in the **Federal Register**).

(6) Grantees receiving CSA funds subsequent to (30 days after publication in the **Federal Register**) shall develop personnel policies that are in compliance with this rule and submit them along with their application for funding to the appropriate CSA administering office for review and approval.

(7) Any proposed amendments or revisions to the approved personnel policies also must be submitted for review and approval by the CSA administering office.

(8) The CSA administering office will notify the grantee prior to or no later than the effective date of the grant of its approval of the personnel policies or changes required to the personnel policies.

(b) *Personnel Records.* Grantees and delegate agencies shall keep the following material in each employee's Personnel file:

(1) Employee application;
(2) Resume;
(3) Position description;
(4) Verification of past salary history;
(5) Personnel actions;
(6) Performance evaluation;
(7) Attendance record;
(8) Awards;
(9) Adverse Actions; and
(10) Disposition of adverse actions.

(c) *Training and career development plan.* Grantees shall develop and implement a training and career development plan for staff employees. They shall encourage low-income, non-professional, unskilled and inadequately

educated employees to take advantage of training and career development opportunities.

§ 1069.10–7 Conditions governing employment.

(a) *Criminal Records.* Every grantee shall require all employees and applicants for employment to disclose fully any criminal convictions or pending charges when they occur. Applicants for employment should not be required to disclose records of any arrest which did not result in conviction unless such an arrest has resulted in formal criminal felony charges which are still pending at the time of application. An applicant or employee must disclose to the agency any conviction resulting from such pending charges. Criminal records are confidential and must be stored in locked files. Only authorized personnel shall have access to those records.

(b) *Employment of persons with criminal records.* Each case of application for employment by a former offender is unique. Grantees have a serious obligation to weigh carefully on an individual basis the criminal records of all employees or applicants for employment. Criminal records of employees or applicants for employment should be considered in relation to the position held or to be filled. Assessment of an employee's or an applicant's potential for rehabilitation should be considered. Since employment opportunities are essential to the rehabilitative process, every opportunity should be provided to employ persons with criminal records after the review of the applicant's case and to offer supportive services to help in the rehabilitaion of such employees.

(1) The following are suggested criteria for reviewing criminal records:

(i) The nature and seriousness of the offense;

(ii) The circumstances under which it occurred;

(iii) How long ago it occurred;

(iv) Whether the offense was an isolated or repeated violation;

(v) The age of the person when he/she committed the offense;

(vi) Social conditions which may have contributed to the action;

(vii) Evidence of rehabilitation; and

(viii) The kind of position for which the applicant is applying.

(2) It should be kept in mind that a criminal charge in itself does not indicate guilt. Also a person charged with a crime often requires the support of employers or persons who can give witness to his/her character, job performance, and previous work history.

(c) *Employees arrested or charged with a crime.* (1) Grantees' personnel policies must include a provision requiring employees to report arrests on felony charges. The grantee may also require in its personnel polices the reporting of other charges.

(2) When an employee is arrested or charged with a felony and it is determined that retention of the employee in active duty status might result in damage to grantee property or might be detrimental to the interests of the grantee or injurious to the employee, his fellow workers, or the general public, the agency may take action prior to final disposition of the criminal charges. Such action may include either reassignment of the employee or, where reassignment is not possible, suspension.

(d) *Nepotism.* (1) No person may be hired for a position or promoted to a new position while a member of his/her immediate family serves on the board of directors or on a committee of the grantee or delegate agency responsible for selecting or having personnel authority over his or her position.

(2) No person may be hired for or promoted to a position over which a member of his/her immediate family exercises supervisory authority.

(3) A member of an immediate family includes any of the following persons. (Critera established by local or state governement for public grantees shall prevail unless more restrictive.)

(i) Husband;

(ii) Wife;

(iii) Mother, Mother-in-law;

(iv) Father, Father-in-law;

(v) Brother, Brother-in-law;

(vi) Sister, Sister-in-law;

(vii) Son, Son-in-law;

(viii) Daughter, Daughter-in-law;

(ix) Step Children, Step Partents, Step Brother or Sister, Step-in-laws.

(e) *Gifts and gratutities.* Employees of all grantees and delgate agencies (including volunteers), members of an employee's immediate family (as defined in paragraph (d)(3) § 1069.10–7 and board members are prohibited from accepting gifts, money and gratuties from persons in a position to benefit from grantee actions. Gifts of nominal value (not to exceed $50.00) given as a token expression of apreciation by program recipients may be accepted by the grantee organization but not by individual grantee employees as personal gifts.

(f) *Outside employment.* The following provisions apply to grantee employees regarding outside employment:

(1) Outside employment shall not involve a conflict of interest, conflict with employee's duties or otherwise adversely affect the operations of the CSA assisted program.

(2) An employee shall be on either annual leave, compensatory leave or leave-without-pay when engaging in outside employment during duty hours.

(3) All employees shall be required to inform their supervisor of all outside employment they hold or accept.

(g) *Disciplinary Procedures.* In developing disciplinary procedures, appropriate grantee staff should clearly specify what action by an employee would be the cause for an adverse action to be taken against that employee. The type of action (i.e. oral reprimand, probation, suspension, termination, etc.) that would be taken for violation of specific grantee personnel policies and practices should also be clearly defined. The seriousness of the violation should dictate the type of action to be taken. Grantees should inform employees of their right to grieve an adverse action. They should be cautioned to follow the grievance procedure time frames lest the adverse action be overturned for technical reasons. Provisions should be made for extension of time limits as necessary for the grantee and employee.

(h) *Employee Grievances.* Employee grivances shall be given prompt and fair consideration. Grantees and delegate agencies shall make provision for review of adverse personnel actions in thier grievance procedures.

(1) *Grievance Procedures.* A grantee's procedure shall contain, but not limited to, the following elements:

(i) The employee's right to appeal including time frames, procedures for informal and formal appeals and levels of appeals, e.g., first line supervisor, executive director, board committee and full board or local officials where appropriate. (Grantee employees cannot appeal adverse actions to CSA because they are not Federal employees.)

(ii) the employee's right to review all pertinent documents to assist him/her with the appeal action and the right to review by employees's representative.

(iii) The employee's right to a hearing before the board of directors.

(iv) The right of an employee to have representation through all stages of appeal.

(v) The right of an employee to present witnesses in his/her behalf.

§ 1069.10–8 Biographical information.

Biographical data on grantee key senior staff, except for CAA staff, must be submitted to the appropriate CSA administering office for review for initial fundings and when personnel changes occur. CAAs shall maintain this information on file.

§ 1069.10-9 Assistance to Vietnam-era veterans.

Grantees are encouraged to make on-the-job training and job opportunities available to Vietnam-era veterans, especially disadvantaged and disabled veterans, through distribution of announcements of training programs and job vacancies in places accessible to a large population of veterans (i.e., employment offices, rehabilitation and training centers or veterans organizations).

[FR Doc. 80-14567 Filed 5-9-80; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 536 and 538

[Docket No. 79-58]

Dual Rate Contract Systems in the Foreign Commerce of the United States—Rate Increase on Less Than 90 Days' Notice; Withdrawal of Proposed Rule

AGENCY: Federal Maritime Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The proposed rule prescribed a uniform method for ocean carriers and conferences to justify short notice (less than 90 days) dual rate increases. The Commission has decided not to amend its existing regulations at this time and accordingly withdraws the proposed rule.

DATES: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTAL INFORMATION: This proceeding was instituted by Notice of Proposed Rulemaking published June 6, 1979 (44 FR 32408-32418). The proposal would amend Article 14 of the Uniform Merchants' Contract contained in Subpart B of Part 538 of the Commission's rules (46 CFR 538.10). This Article sets forth in the dual rate contract a provision allowing less than 90 day rate increases in extraordinary circumstances. The proposal would also add a new section to the Commission's tariff filing rules (46 CFR Part 536) prescribing a form of justification for carriers or conferences seeking to invoke Article 14 of the Uniform Merchants' Contract. The proposal was designed to allow increases in rates covered by Commission approved exclusive patronage contracts to go into effect on as little as 15 days' notice for sudden, severe, and unforeseen cost increases. The proposed rule was intended to cover, among other things, unforeseen cost increases in bunker fuel.

Comments have been filed by carriers, conferences, and shippers. Upon review of these comments and reexamination of the proposed rule, the Commission finds that the rule will not serve its intended purpose and that the Commission's current regulation of short notice dual rate increases better serves to grant relief to ocean carriers and conferences for sudden, severe, and unforeseen cost increases, including bunker fuel costs. Accordingly, the proposed rule is withdrawn and this proceeding is discontinued.

It is so ordered.

By the Commission.[1]

Francis C. Hurney,

Secretary.

[FR Doc. 80-14573 Filed 5-9-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-93; RM-3196; RM-3254]

FM Broadcast Stations in Chilton, Clintonville, and Manitowac, Wis.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of FM channels in Chilton, Clintonville and Manitowac, Wisconsin. Petitioner, Add, Inc., states the additional time is needed to file comments.

DATES: Comments must be filed on or before June 5, 1980, and reply comments must be filed on or before June 26, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Chilton, Clintonville and Manitowac, Wisconsin, BC Docket No. 80-93, RM-3196, RM-3254.

Adopted: May 2, 1980.

Released: May 7, 1980.

1. On March 5, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 17598, in the above-entitled proceeding. The dates for filing comments and reply comments are May 6 and May 27, 1980, respectively.

2. On April 29, 1980, counsel for Add, Inc., filed a request seeking the extension of time for filing comments and reply comments to and including June 5, and June 26, 1980, respectively. Counsel states that because of vacation schedules the preparation of comments has not been completed.

3. We are of the view that under these circumstances additional time is warranted. Providing this time will help assure development of a sound and comprehensive record on which to base a decision in this proceeding.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in Docket No. 80-93 are extended to and including June 5, and June 26, 1980, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), § 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-14583 Filed 5-9-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-91; RM-3296; RM-3415]

FM Broadcast Stations in Carson City, Gardnerville-Minden and Sparks, Nev.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the proposed assignment of FM channels in Carson City, Gardnerville-Minden and Sparks, Nevada. Petitioner, Carson Valley Broadcasters, states the additional time is needed to file comments.

DATES: Comments must be filed on or before June 6, 1980, and reply comments must be filed on or before June 27, 1980.

ADDRESSES: Federal Communications, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 2, 1980.

Released: May 7, 1980.

[1] Commissioner Peter N. Teige did not participate because the case was decided before he took office.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Carson City, Gardnerville-Minden and Sparks, Nevada), BC Docket No. 80–91, RM–3296, RM–3415.

1. On February 26, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 16217, concerning the above-entitled proceeding. The dates for filing comments and reply comments are May 2, and May 19, 1980, respectively.

2. On April 30, 1980, counsel for Carson Valley Broadcasters, filed a request seeking an extension of time for filing comments to and including June 6, 1980. Counsel states that because of major computation errors in the engineering study, it must be completely redone thus necessitating the additional time. Counsel states that three of the other four parties in the proceeding have indicated no objection to the additional time, and the fourth party has already filed its comments in this proceeding.

3. Section 1.46 of the Commission's rules states that extension requests must be filed seven days in advance of the deadline date. Although this request was not received within the required time period, we believe good cause has been shown in this instance for the late filing, so we are granting the request. Also, as a result, it is necessary to extend the reply comment date.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 80–91 are extended to and including June 6, and June 27, 1980, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 80–14582 Filed 5–9–80; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1045

[Ex Parte No. MC 96 (Sub-3)]

Property Broker Practices

AGENCY: Interstate Commerce Commission.

ACTION Notice of proposed rules.

SUMMARY: The Commission proposes to revise its rules governing the operational practices of property brokers. Our goal is to improve the way in which we regulate property broker practices by eliminating regulations which are unnecessary and modifying those regulations which are unnecessarily restrictive. We are also attempting to simplify and clarify the language used in the regulations and to incorporate changes resulting from the codification of the Interstate Commerce Act.

DATE: Comments are due on or before June 26, 1980.

ADDRESS: An original and 15 copies, if possible, of any comments should be sent to: Ex Parte MC 96 (Sub-3), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Peter Metrinko, (202) 755–7885, or Donald J. Shaw, Jr., (202) 275–7292.

SUPPLEMENTARY INFORMATION: By a notice published March 27, 1979 (44 FR 18459), the Commission proposed to conduct a thorough examination of its regulation of brokers. Because of the complex and varied issues involved, the Commission subsequently decided to divide its examination into four segments (see 44 FR 44847, August 9, 1979). This segment deals exclusively with the operational practices of property brokers.

The Commission's rules governing property brokers were adopted in 1949 (Ex Parte No. MC–39, *Practices of Property Brokers*, 49 M.C.C. 277) and were revised to a minor extent in 1951 (see 53 M.C.C. 633). The Commission adopted special procedures in 1977 under which a number of property brokers have received licenses (Ex Parte No. MC–96, *Entry Control of Brokers*, 126 M.C.C. 46). Since the adoption of those special procedures, the Commission has received questions from operating brokers on a continuing basis. It is for that reason that we decided to include a reexamination of our operational practice regulations in our examination of the broker industry.

The notice published March 27, 1979 asked if any of the Commission's operational regulations for property brokers should be changed. We received a wide variety of responses to this question, and our review of these comments has led to the changes proposed in this notice. We invited the public to comment on these proposed changes and to suggest alternatives or additions to them.

The rules, as they would appear if the changes proposed in this notice are adopted, appear in the appendix to this notice. The present rules appear at 49 CFR 1045. Changes which involve elimination of present rules or substantive change in present regulations are discussed below. Changes which are being proposed to eliminate gobbledygook or to conform to the codification of the Interstate Commerce Act are, in most cases, not discussed.

Discussion

§ *1045.2 Definitions.* We propose to make a number of changes in the definitions for the sake of clarity. We do not propose to make any changes in the legal meanings of the definitions, which were previously discussed in *Practices, supra*, 49 M.C.C. at 288–303 and at 53 M.C.C. at 633–647.

§ *1045.3 Records to be kept by brokers.* The Property Brokers Association of America, Inc. (PBAA) contends that some of our recordkeeping requirements may be unnecessary. We agree. For example, it should not be necessary to record the address and lead docket number of the originating motor carrier and consignor for every shipment. It would probably be sufficient for brokers to keep a master list containing this information.

We propose to eliminate subsections (d), (e), and (f) of the present rule, since they relate to information which can be obtained from carrier records. We request that parties apprise us of any other reporting requirements which might be eliminated. The primary purpose of our record-keeping requirements is to ascertain whether improper rebating activities are taking place. Since we are proposing revisions in our rebating rules to reflect what we believe is a more realistic appraisal of rebating dangers, it may be that there is further action which we can take to reduce recordkeeping requirements.

We recognize that our recordkeeping requirements may pose a greater burden on brokers of transportation of less-truckload freight than on others. However, there does not appear to be a practical way to condense or summarize the information needed to detect improper activities. We would like to receive suggestions as to how the recordkeeping burden might be reduced for brokers of less-truckload traffic.

We have added one recordkeeping requirement: any party to a brokered transaction shall have a right to review the record of the transaction required to be kept under this section. This addition enables us to eliminate more complex rules found in sections 1045.5, 1045.6, and 1045.10.

§ *1045.4 Carrier's operating authority.* We propose to delete this paragraph as unnecessary. It merely restates the obvious, and it offers no

real protection to shippers. The shipper-carrier relationship, including loss and damage responsibilities, is defined elsewhere.

§§ *1045.5 and 1045.6 Charges for brokerage services and Charges for non-brokerage services.* We propose to eliminate these two sections. The broker is now given broad discretion in its ability to charge fees for brokerage and non-brokerage services. In effect, there is no limitation on the size of the fees under the present rules since a broker can, by careful statement of the fee maxima and minima, render these sections meaningless. The situation has not caused any problems, and, as a result, we do not believe that eliminating these two sections will have any practical effect. We believe that the suspected evils against which these rules were designed to guard (see discussion in *Practices, supra,* at M.C.C. 314–320) were extremely hypothetical. Therefore, we are proposing to eliminate these two sections and to replace them with the new requirement in section 1045.3 that the affected parties have the right to look at the description of the charges contained in the record of the transaction. This will enable them to determine what portion of their bill is related to the broker's services.

§§ *1045.7 and 1045.8 Misrepresentation and Billing.* We propose to modify section 1045.7 to eliminate the requirement that the broker status appear in type which is as clear, as bold and as large as any other in the advertisement. This requirement unnecessarily hinders advertising. We believe the rule, as we propose to rewrite it, covers the situations addressed in section 1045.8, thus making that section no longer necessary.

§ *1045.9 Rebating.* Paragraph (a) of the present rule is the most controversial of the regulations which affect the property broker. The rule reads:

(a) No broker shall charge or receive compensation from a motor carrier for brokerage service performed in connection with any shipment which he owns or in which he has a material interest, or the routing of which he controls by reason of any affiliation with, or nonbrokerage relationship to, the shipper, consignor, or consignee as traffic consultant or otherwise, or which he controls by reason of his performance for the shipper, consignor, or consignee of non-brokerage services, as defined in the rules in this part.

The previous policy of the Commission viewed the party making the first request for the transportation arrangement as receiving the sole benefit of the broker's services. Thus, if a shipper requested that a broker arrange transportation, the shipper was the one receiving the primary benefit and the Commission believed that the shipper was the one who should pay for the broker's services. The Commission was concerned that if a broker, in effect, offered a shipper free services, it could then auction off the shipper's traffic to whichever carrier would pay the highest commission. We do not believe that this concern is valid today, if it ever was. We believe that both the shipper and the carrier will commonly benefit from a brokered arrangement. It is the very nature of brokerage services that they are performed jointly for the benefit of both shipper and carrier. Therefore, we do not believe that we should place unwarranted restrictions on the broker's ability to seek a commission from either or both of the parties. If the transaction is not mutually beneficial, either principal may refuse to take part in it. But, if the transaction is sufficiently attractive to both parties, they should both be willing to pay the broker a fee.

The amount of the broker's fee is not regulated by the Commission. This means that a broker must engage in a bargaining process with its principals. The amount of commission that a principal agrees to pay will vary accordingly to the benefits it perceives it will gain from the transaction. No party is obligated to deal with a broker or to pay its commissions. A party may either choose to do without the broker's services or to look for another broker who will offer the service at a lower price. In this regard, we note that the property broker industry is a highly competitive one.

Our goal in regulating transactions between brokers, carriers, and shippers is to remove all unnecessary restrictions which might impede the free operation on the marketplace. With that in mind, we propose to revise section 1045.9(a) to give brokers more freedom. Under the proposed rule, a broker would be precluded from charging a commission to a carrier only when the broker owns or has a material beneficial interest in the shipment or the broker is able to exercise some control over the shipment because the broker owns the shipper, the shipper owns the broker, or there is common ownership of the two. This proposed rule would still guard against shippers who seek to set up "sham" broker operations as a device to accomplish illegal rebates.

The proposed rule would also eliminate confusion stemming from the language in the present rule which makes it unclear whether a broker can charge a carrier a fee for brokerage services when the broker has a pool of shipper and carrier clients among which it marries freight. Under the revised rule, the broker would be able to charge the carrier a commission in such a situation.

Section (b) of the present rule, which contains the prohibition against a broker giving or offering anything of value to a client, except for advertising items, has been retained.

§ *1045.10 Duties and obligations of brokers.* We propose to delete subsections (a), (b) and (c) of the present rule and to combine sections (d) and (e). Most of sections (a) and (b) contain standards of conduct which reflect what the proper role of the broker should be. We do not believe that these sections are necessary. There are not penalties for violations of the standards set forth in them, and enforcement of the standards can only come from the interactions of the marketplace and healthy competition.

Subsection (c) would be replaced by the new provision which we propose to add to section 1045.3 to give any party to a brokered transaction the right to review the record of the transaction. Present subsection (c) requires that brokers not accept or charge compensation for a shipment from both a shipper and a carrier without first advising both parites of the charge or payment of the other. This requirement does not appear necessary and could hinder all parties since proper notification might delay service. The present rule is especially apt to be burdensome when a broker is attempting to marry freight on an expedited basis or trying to arrange transportation for a large number of small shipments.

We propose to combine subsections (d) and (e) to require that a broker not disrupt the normal billing and payment procedures between shippers and carriers. The present regulation's admonition to "pay promptly any monies" is vague and unenforceable. The proposed rule also would allow brokers to simplify their billing practices.

§ *1045.11 and 1045.12 Transfer of property broker's licenses; change in control of corporations and associations holding brokers' licenses and Petitions for reconsideration.* We propose to combine these two sections into a new section 1045.11. Petitions for reconsideration with regard to the transfer rules are handled differently from other administrative appeals, and present section 1045.12 was intended to reflect only the appeal rules with regard to transfers. Other administrative appeals are governed largely by 49 CFR 1100.97.

We propose to adopt the revisions to 49 CFR 1045 set forth in the appendix to this notice.

This proposed action does not appear to affect significantly the quality of the human environment or the conservation of energy resources; however, the public is encouraged to comment on any possible environmental effects in its comments in this proceeding.

These proposals are made 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.

Appendix

49 CFR 1045 would be revised by making the following changes:

1. Revise section 1045.2 to read as follows:

§ 1045.2 Definitions.

(a) "Broker" means a person who, for compensation, arranges, or offers to arrange, the transportation of property by an authorized motor carrier. Motor carriers, or persons who are employees or bona fide agents of carriers, are not brokers within the meaning of this section when they arrange or offer to arrange the transportation of shipments which they are authorized to transport and which they have accepted and legally bound themselves to transport.

(b) "Bona fide agents" are persons who are part of the normal organization of a motor carrier and perform duties under the carrier's directions pursuant to a preexisting agreement which provides for a continuing relationship, precluding the exercise of discretion on the part of the agent in allocating traffic between the carrier and others.

(c) "Brokerage" or "brokerage service" is the arranging of transportation or the physical movement of a motor vehicle or of a property. It can be performed on behalf of a motor carrier, consignor, or consignee.

(d) "Non-brokerage service" are all other services performed by a broker on behalf of a motor carrier, consignor, or consignee.

2. Revise section 1045.3 to read as follows:

§ 1045.3 Records to be kept by brokers.

(a) A broker shall keep a record of each transaction. The record shall show:

(1) the name and address of the consignor;

(2) the name, address, and lead MC-number of the originating motor carrier;

(3) the bill of lading or freight bill number;

(4) the amount of compensation received by the broker for the brokerage service performed and the name of the payer;

(5) a description of any non-brokerage service performed in connection with each shipment or other activity, the amount of compensation received for the service, and the name of the payer; and

(6) The amount of any freight charges collected by the broker and the date of payment to the carrier.

For puposes of this subsection, brokers may keep master lists of consignors and the address and lead docket number of the carrier, rather than repeating this information for each transaction.

(b) Brokers shall keep the records required by this section for a period of three years.

(c) Each party to a brokered transaction has the right to review the record of the transaction required to be kept by these rules.

3. Delete present sections 1045.4, 1045.5, and 1045.6 and reserve them for future use.

4. Revise section 1045.7 to read as follows:

§ 1045.7 Misrepresentation

(a) A broker shall not perform any brokerage service, or offer to perform brokerage service (including advertising), in any name other than that in which its license is issued.

(b) A broker shall not, directly or indirectly, represent its operation to be that of a carrier. Any advertising shall show the broker status of the operation.

§ 1045.8 [Deleted and reserved]

5. Delete present section 1045.8 and reserve it for future use.

6. Revise section 1045.9 to read as follows:

§ 1045.9 Rebating and compensation.

(a) A broker shall not charge or receive compensation from a motor carrier for brokerage service where:

(1) the broker owns or has a material beneficial interest in the shipment or

(2) the broker is able to exercise control over the shipment because the broker owns the shipper, the shipper owns the broker, or there is common ownership of the two.

(b) A broker shall not give of offer to give anything of value to any shipper, consignor, or consignee (or their officers or employees) except inexpensive advertising items given for promotional purposes.

7. Revise section 1045.10 to read as follows:

§ 1045.10 Duties and obligations of brokers.

Where the broker acts on behalf of a person bound by law or a Commission regulation as to the transmittal of bills or payments, the broker must also abide by the law or regulations which apply to that person.

§ 1045.11 Transfer of property brokers licenses; change in control of corporations and associations holding brokers' licenses; petitions for reconsideration.

(a) In order to transfer a property broker license, a transferee must file with the Commission an application for approval of the transfer. The application must contain proof that the transferee is fit, willing, and able to perform the duties of a broker and that the transfer will not be contrary to the public interest.

(b) If there is a change in the control of a corporation or association which holds a broker license, an application must be filed with the Commission describing the change and offering proof that the change is not contrary to the public interest.

(c) The rules that govern the form and manner of filing of applications, the notice that must be given to the public, and the manner of filing protests are the same as those which apply to the transfer of operating rights (see 49 CFR 1100.225).

(d) Rules governing petitions for reconsideration of a decision under this subsection will be governed by the rules contained in 49 CFR 1132.4 and 1100.225.

9. Delete section 1045.12 and reserve it for future use.

10. Revise section 1045.13 to read as follows:

§ 1045.13 Accounting.

Each broker who engages in any other business shall maintain accounts so that the revenues and expenses relating to the brokerage portion of its business are segregated from its other activities. Expenses that are common shall be allocated on an equitable basis; however, the broker must be prepared to explain the basis for the allocation.

[FR Doc. 80-14471 Filed 5-9-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3809

Public Meeting on Draft Environmental Impact Statement, Surface Management of Public Lands

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Public Meetings.

SUMMARY: Public meetings will be held to receive comments on the Draft Environmental Impact Statement, Surface Management of Public Lands Under the U.S. Mining Laws, 43 CFR Part 3809 (DEIS). These meetings will be conducted by the respective State Directors for the Bureau of Land Managment. Speakers will be limited to ten minutes in order to allow time for all who wish to speak. Presentation of remarks will be in the order of registration. Prepared papers are encouraged, will be accepted at the meetings and made a part of the record.

DATES: Meetings will be held on May 28, 1980 in Denver, Colorado beginning at 10:00 a.m. and on May 30, 1980 in Reno, Nevada, beginning at 2:00 p.m. and 7:00 p.m. (2 meetings). Written comments will continue to be received until the close of the comment period on June 16, 1980.

ADDRESSES: The meetings will be held in Denver at: Wyer Auditorium, Denver Public Library, 13th and Broadway, Denver, Colorado, and in Reno at the V and T Room, Centennial Coliseum 4590 South Virginia Street, Reno, Nevada.

Written comments should be submitted to the Director (520), U.S. Department of the Interior, Bureau of Land Management, 1800 C Street, N.W. Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Brock Short (Washington, D.C.) (202) 343–7722, or Public Affairs Staff at the following offices and locations, Colorado State Director Denver, Colorado, (303) 837–4481, Nevada State Director Reno, Nevada (702) 784–5311.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

May 8, 1980.

[FR Doc. 80-14742 Filed 5-9-80; 11:52 am]

BILLING CODE 4310-84-M

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 37278]

American Airlines, Inc., New York-San Juan Cargo Service; Enforcement Proceeding; Prehearing Conference

Notice is hereby given that a further prehearing conference will be held in the above-entitled proceeding on May 15, 1980, at 10:00 a.m. (local time), in Hearing Room 1003 B, North Universal Building, 1875 Connecticut Avenue N.W., Washington, D.C., before the undersigned. The purposes of this further conference are to determine the issues that will govern this case, provide clarification as to the scope of the case and the need for, extent of, and nature of discovery that will be permitted or required, establish evidentiary requirements; further explore areas of possible stipulation; and establish procedural dates.

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

Henry M. Switkay,

Administrative Law Judge.

[FR Doc. 80-14507 Filed 5-9-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37867]

Boston-London Service Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held on June 4, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and three copies to the Judge of (1) proposed statements of issues; (2) proposed requests for information and for evidence; and (3) proposed procedural dates. The Bureau of International Aviation will circulate its material on or before May 15, 1980, and the other parties on or before May 28, 1980.

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

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 80-14508 Filed 5-9-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37902; Order 80-5-36]

Hughes Airwest Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-5-36, Hughes Airwest Denver-Phoenix Subpart Q Proceeding, Docket 37902.

SUMMARY: The Board is proposing to grant unrestricted authority in the Denver-Phoenix market to Hughes Airwest under our expedited Subpart Q procedures. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions, shall file by May 28, 1980, with the Board and serve upon Hughes Airwest a statement of objections, together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 37902, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673-6069.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-5-36 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-5-36 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Bureau of Domestic Aviation: May 6, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-14512 Filed 5-9-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37971; Order 80-5-38]

Spokane-San Francisco Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-5-38, Spokane-San Francisco Subpart Q Proceeding, Docket 37971.

SUMMARY: The Board is insituting the *Spokane-San Francisco Subpart Q Proceeding* and is proposing to grant unrestricted authority to Hughes Airwest in the Spokane-San Francisco 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 June 9, 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 37971, which we have entitled the *Spokane-San Francisco 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 Hughes Airwest; California Department of Transportation; Washington Department of Transportation, Division of Aeronautics; Mayors of San Francisco and Spokane; Airport Manager, San Francisco International Airport; and Airport Manager, Spokane International Airport.

FOR FURTHER INFORMATION CONTACT: Lucille J. Mellema, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5105.

SUPPLEMENTARY INFORMATION: The complete text of order 80-5-38 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 80-5-38 to that address.

By the Bureau of Domestic Aviation: May 6, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-14511 Filed 5-9-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-5-15; Dockets 34141 and 36785]

Trans-Panama, S.A.; Order Granting Exemption and Setting Permit Application for Oral Evidentiary Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of May, 1980.

Permit Application—Docket 34141

On November 30, 1978, Trans-Panama, S.A. filed an application for a foreign air carrier permit to engage in non-scheduled foreign air transportation of property and mail between Panama and Miami, New York and Los Angeles. It petitioned for issuance of a show cause order and submitted the required evidentiary material on September 27, 1979.

Internacional de Aviacion (INAIR) filed a petition for leave to intervene as an opposing party on April 25, 1979. It also submitted an answer opposing the use of show cause procedures on October 4, 1979. INAIR, a Panamanian carrier, alleges that Trans-Panama is effectively owned and controlled by an Ecuadorian national who owns Aerolineas Nacionales del Ecuador (ANDES). Furthermore, INAIR alleges that Trans-Panama and ANDES have jointly operated service between Miami and Panama without the necessary Board authority.[1]

We have decided to deny Trans-Panama's petition for issuance of a show cause order and to set the application for oral evidentiary hearing to determine Trans-Panama's general fitness and its ownership and control.

An oral hearing is necessary in this case because we are unable to reach tentative conclusions on the basis of the record before us. Trans-Panama and ANDES have previously engaged in joint marketing efforts, and they contemplate continuing such activity for Trans-Panama's operations between the United States and Panama. Also, Trans-Panama plans to lease facilities in the United States from ANDES. Finally, Trans-Panama has contracted to lease-purchase its only aircraft from a U.S. company which is owned by the Ecuadorian national. In view of these circumstances, we have decided to set this matter for hearing. These considerations raise material issues of fact regarding Trans-Panama's fitness, and ownership and control, which we believe can be resolved most efficiently in an oral evidentiary hearing.

Exemption Application—Docket 36785

On October 3, 1979, Trans-Panama, S.A. requested an exemption from sections 402 and 403 of the Act to operate 40 non-scheduled, cargo flights between Panama and Miami, Florida, pending Presidential action on its application for a foreign air carrier permit.

In support of its application, Trans-Panama states that a substantial need exists for additional cargo capacity in the Panama-Miami market; that it has received numerous requests for all-cargo capacity from air freight forwarders, the Panamanian Air Force and Air Panama; that market demand now far exceeds the available capacity because the carriers serving the market have reduced their cargo capacity; and that information demonstrating its fitness was supplied in the show cause petition for permit authority. [2]

On October 9, 1979, INAIR filed an answer seeking either denial of the exemption authority or deferral until the Board determines Trans-Panama's fitness in the permit case. In support of its answer, INAIR states that its pleadings in the permit case raised serious questions about the ownership of Trans-Panama by an Ecuadorian national who owns ANDES; [3] that existing carriers are easily meeting the cargo demand between Miami and Panama, that ANDES and Trans-Panama have engaged in a conspiracy to bankrupt INAIR by predatory rates; that Trans-Panama and ANDES have jointly operated Miami-Panama service by falsifying manifest records because ANDES does not hold the necessary route rights from the government of Panama; that Trans-Panama is planning to lease the necessary aircraft from a Florida company owned by either ANDES or the Ecuadorian national; and that in view of Trans-Panama's controversial fitness and the thin market, there is no public need for grant of this exemption.

On October 25, 1979, Trans-Panama replied that its limited exemption request should be promptly approved. It states the following: that letters from eight prospective customers demonstrate a clear need for additional cargo capacity in the expanding Miami-Panama market; that compared to INAIR's service with Convair 880 equipment, Trans-Panama is able to offer more expeditious service at a lower price because its DC-8 aircraft is palletized and has a higher payload capacity, that INAIR wants to prevent the public from receiving the benefits of this low-cost service and to retain its virtual monopoly of the market, that neither the Ecuadorian national nor ANDES owns any Trans-Panama stock or otherwise controls the carrier despite the relationships among the three, that the Government of Panama is satisfied with Trans-Panama's ownership, and that INAIR's generalized statements about Trans-Panama's ownership and its illegal operations were fully answered in Trans-Panama's petition for a show cause order in the permit case.

We have decided to grant Trans-Panama's request for exemption authority subject to the standard permit conditions on safety and insurance coverage.

The public interest elements of reciprocity and service need, along with the undisputed assertion of Trans-Panama's operational qualifications, tilt the balance in favor of approval despite potential concerns with Trans-Panama's ownership and its compliance disposition. Our aviation Agreement with the Government of Panama allows the United States to designate multiple carriers between the United States and Panama City. Consistently with these liberal rights, we recently submitted an order to the President whereby eleven additional U.S. carriers would receive certificate authority for Panamanian service from numerous U.S. cities.[4] In these circumstances we perceive an immediate public need to promote our procompetitive aviation policy through positive reciprocal action on Trans-Panama's interim request. This need is buttressed by the fact that the Government of Panama in a recent diplomatic note, endorsed by the Department of State, sought early operating permission for Trans-Panama. Importantly, the introduction of Trans-Panama's all-cargo service will stimulate competition to the benefit of the shipping public in the Miami-Panama market, as is evident from the pleadings, and in this regard, we note

[1] On February 4, 1980, INAIR filed a complaint against ANDES and Trans-Panama alleging that they have engaged in numerous violations of the Act and the Board's regulations. (Docket 37585) That complaint is being considered by the Board's Bureau of Consumer Protection.

[2] Trans-Panama incorporates by reference the material set forth in its petition for show cause in the permit docket.

[3] INAIR incorporates by reference its answer opposing the use of show cause procedures to process Trans-Panama's permit application.

[4] See *United States-Central America Show Cause Proceeding* (Docket 37076). The order to show cause was issued by Order 79-11-87, November 14, 1979 and our final decision was transmitted to the President on March 2, 1980.

the interest expressed by various shippers in Trans-Panama's proposed service. Finally, we are persuaded by Trans-Panama's evidentiary submissions in Docket 34141 that it is qualified to provide reliable service, and the attached conditions will serve as a safeguard to protect the public from operational or financial harm.[5] Therefore, we believe that grant of this exemption is consistent with the public interest.

We wish to emphasize that this action does not prejudge our consideration of Trans-Panama's permit application. We can and will decide the license case on its record. We act here simply to meet immediate important public benefits, both in terms of service and our international aviation relations with Panama, a country generally sympathetic to the pro-competitive objectives of the U.S. international aviation policy.

Since Trans-Panama proposes only limited operations, we find that our action does not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. Further, our action is not an endorsement that the proposed service is a hardship which qualifies Trans-Panama for additional fuel under any mandatory aviation fuel allocation program.

Accordingly,

1. We set Trans-Panama's permit application, in Docket 34141, for hearing before an administrative law judge of the Board at a time and place to be designated;

2. The proceeding instituted by paragraph 1 shall include consideration of Trans-Panama's general fitness and its ownership and control;

3. We deny the motion of Trans-Panama in Docket 34141 for issuance of a show cause order and grant the petition of Internacional de Aviacion to intervene as a party in the hearing;

4. We temporarily exempt Trans-Panama S.A. from the provisions of sections 402 and 403 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit it to operate forty non-scheduled flights between a point or points in Panama and Miami, Florida carrying property on an individually waybilled basis; in Docket 36785.

5. The authority granted in paragraph 4 is subject to the conditions set forth in the attachment to this order;

6. The exemption authority granted in paragraph 4 shall expire 90 days after the Board submits an order to the President with respect to the applicant's permit application in Docket 34141;

7. We may amend or revoke this order with regard to paragraphs 4, 5 and 6 at any time at our discretion without notice or hearing; and

8. We shall publish this order in the **Federal Register** and serve it on the applicant, Internacional de Aviacion, the Department of State and the Ambassador to Panama in Washington, D.C.

By the Civil Aeronautics Board:[6]

Phyllis T. Kaylor,

Secretary.

Attachment—Conditions of Exemption

In the conduct of the exemption operations authorized by the attached order, the applicant shall:

(1) Maintain in effect third-party liability insurance of no less than $1,000,000 to meet potential liability claims which may arise in connection with its exemption operations;

(2) Waive the liability limitations of the Warsaw Convention and Hague Protocol and shall substitute the limits of, and file with the Board a signed counterpart of, CAB Agreement 18900 approved by Board Order E–23680, May 13, 1966;

(3) Maintain in effect minimum liability insurance coverage for bodily injury or death in the amount of $75,000 per person, including cargo handlers;

(4) Waive any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against it in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations under this exemption;

(5) Conform to the airman competency requirements of its Government for international air service;

(6) Not operate aircraft under the authority granted by this exemption unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention; and

(7) Comply with the requirements of Part 129 of the Federal Aviation Administration Regulations, and file evidence in Docket 36785 of such compliance before commencing operations.

Failure of the applicant to adhere to these conditions voids the exemption authority granted by the attached order.

[FR Doc. 80–14510 Filed 5–9–80; 8:45 am]

BILLING CODE 6320–01–M

[5] Trans-Panama's DC–8–21F aircraft is maintained under a Part 121 Maintenance Program by Airlift International and is covered by $50 million in third-party liability insurance. Trans-Panama has conducted cargo operations since March 1978 between Panama and various points in Central and South America. In response to our request for a safety and compliance evaluation, the Federal Aviation Administration wrote on February 12, 1980, that it has no information on Trans-Panama's operations and thus no reason to recommend unfavorable action.

[6] All Members concurred.

[Order 80–4–221; Docket 35084]

Order Granting Exemption

Issued under delegated authority April 29, 1980.

Application of United Air Lines, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958.

By Order 79–5–89, May 10, 1979, the Board granted all scheduled domestic and foreign flag carriers a blanket exemption to provide alternate transportation on scheduled service to certain charter passengers of other carriers for a one-year period. The transportation is applicable to emergency situations, including mechanical problems, weather difficulties, late delivery of aircraft, and similar problems.

United Air Lines, Inc. (United) by application, April 1, 1980, has requested that the exemption authority be extended for another year, from May 10, 1980 through May 9, 1981.

In support of its application, United states that the types of problems—mechanical, weather and aircraft scheduling—continue to exist; and that the ultimate benefactor of the exemption is the consumer who otherwise may not be able to take advantage of low charter rates that the tour operator has negotiated with the carrier if his charter does not operate.

Upon consideration of the reasons set forth in United's application, we find that grant of the request is consistent with the public interest, and therefore we shall approve it.

Accordingly, under authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.16(1),

1. We exempt all scheduled certificated air carriers and foreign air carriers from the provisions of section 403 of the Federal Aviation Act of 1958 and Part 221 of the Board's Economic Regulations, insofar as the enforcement of section 403 and Part 221 would prevent them from providing emergency transportation to the passengers as described in Docket 35084;

2. The exemption granted here shall expire on May 9, 1981, unless sooner cancelled, changed or extended; and

3. We will serve a copy of this order on all certificated air carriers and foreign air carriers.

This order will be published in the Federal Register.

Julien R. Schrenk,

Chief, Domestic Fares & Rates Division, Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-14509 Filed 5-9-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Connecticut 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 Factfinding meeting of the Connecticut Advisory Committee of the Commission will convene at 9:00 A.M. and will end at 6:00 P.M. on May 28, 1980, at 815 Lafayette Blvd., Bridgeport, Connecticut 06603.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110.

The purpose of this meeting is to receive testimony from the public on Bridgeport's Community Development Block Grant Program.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 5, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14426 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

Connecticut 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 Connecticut Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on May 27, 1980, at the Federal Courthouse Building, 915 Lafayette Blvd., Bridgeport, Connecticut 06604.

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 a briefing on the Community Development Block Grant factfinding hearing to be held on Wednesday, May 28, 1980, in Bridgeport, Connecticut.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14429 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

District of Columbia 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 District of Columbia Advisory Committee (SAC) of the Commission will convene at 12:30 p.m. and will end at 3:30 p.m., on June 6, 1980, at 1121 Vermont Avenue, N.W., Washington, D.C. 20425.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to review the forum on police/community relations, plans will be presented for follow-up to the forum and a discussion on ideas for future activity.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C. May 7, 1980.

Thomas L. Newmann,

Advisory Committee Management Officer.

[FR Doc. 80-14434 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

District of Columbia Advisory Committee; Conference; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a conference of the District of Columbia Advisory Committee (SAC) of the Commission originally scheduled for May 17, 1980, at Washington, D.C. (FR Doc. 80-12958 on page 28386) has been changed.

The meeting will now be held on May 19, 1980, beginning at 6:15 pm and will end at 10:15 pm. The meeting place will remain the same.

Dated at Washington, D.C., May 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14427 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

Illinois 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 Illinois Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and end at 3:00 p.m., on June 2, 1980, at the MWRO Conference Room, 230 South Dearborn Street, Chicago, Ill 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to meet with a member of the Chicago Housing Authority Board, the Resident Managers and the President of the Robert Taylor Homes to discuss the housing situation in the huge public housing complex.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14433 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

Maryland 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 conference of the Maryland Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 6:00 p.m., on June 26, 1980, at the Maryland Legislative Services Building, 90 State Circle, Annapolis, Maryland 21401.

Persons wishing to attend this should contact the Committee Chairperson or the Mid-Atlantic Regional Office of the Commission, 2220 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of the conference is civil rights—statewide. The keynote speaker is Dr. Arthur S. Flemming, Chairman, U.S. Commission on Civil Rights. Workshop sessions in the morning on issues in the fields of administration of justice, employment, women's rights and government enforcement efforts. In the afternoon, workshop sessions will address specific issues in the eight geographic regions of the state. A major speaker will conclude the conference wrap-up session.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14428 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

New York 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 York Advisory Committee of the Commission will convene at 4:00 p.m. and will end at 7:00 p.m. on May 22, 1980, at Phelps Stokes Fund, 10 E. 87th Street, New York, New York 10028.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Office Building, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss programs for the coming year.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 5, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14435 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

Ohio 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 Illinois Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 4:00 p.m., on June 7, 1980, at the North Carolina Room, Stouffer's Inn on the Square, 24 Public Square, Cleveland, Ohio 44113.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is organization of the new committee, development of programs for FY 80 and 81 and organizing subcommittee for programs approved.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14432 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island 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 Rhode Island Advisory Committee (SAC) of the Commission will convene at 5:00 pm and will end at 7:00 pm, on June 5, 1980, at Brown University, Third World Center, 155 Angell Street, Providence, Rhode Island.

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 plan future programming.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14431 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

Virginia 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 factfinding meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 9:00 am and will end at 5:00 pm, on June 9–10, 1980, at the Ramada Inn, Ballroom A, 1900 North Fort Myer Drive, Arlington, Virginia 22209.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is two days of factfinding on fair housing in Arlington, Virginia, with presentations by private and public agencies, individuals, and organizations, including the Community Development Block Grant Program, housing assistance plan and citizens participation plan.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 7, 1980.

Thomas L. Newmann,

Advisory Committee Management Officer.

[FR Doc. 80-14430 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

West Virginia 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 Factfinding meeting of the West Virginia Advisory Committee of the Commission will convene at 1:30 p.m. and will end at 4:30 p.m. and will convene again at 6:30 p.m. and will end at 9:00 p.m. on May 30, 1980, at the Federal Building, Federal Court Room, 400 Neville Street, Beckley, West Virginia 25602.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is the continuation of statewide and Raleigh County issues.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 5, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14425 Filed 5-9-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of reassignment of a bowhead whale struck quota for calendar year 1980.

SUMMARY: This notice is filed pursuant to 50 CFR 230.74(d), which allows the Assistant Administrator of the National Marine Fisheries Service to reassign an unused struck quota to a second whaling village. The unused strike from the quota allocated to the village of Savoonga is hereby reassigned to the village of Gambell for calendar year 1980.

EFFECTIVE DATE: April 30, 1980.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634–7461.

SUPPLEMENTARY INFORMATION: For calendar year 1980, the villages of Savoonga and Gambell were allocated quotas as follows: Savoonga—2 whales landed or 3 struck, whichever occurs first; Gambell—2 whales landed or 3 struck, whichever occurs first. On or about April 20, 1980, the village of Savoonga landed its second whale, reaching its landed quota of 2 whales with one strike unused.

Because bowhead whales are now in the vicinity of Gambell, and Gambell has used its 3 available strikes, but not landed a whale, the unused strike available from the Savoonga quota is being reassigned to Gambell in accordance with § 230.74(d) (45 FR 20486). This assignment gives Gambell a total struck quota of 4 for calendar year 1980.

Dated: May 7, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-14571 Filed 5-9-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Operation and Maintenance and Confined Dredge Disposal at Chicago Harbor, Chicago River, and Calumet Harbor and River, Illinois

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed project involves the construction, operation and maintenance of a confined disposal facility to contain dredgings classified as polluted or unsuitable for open lake disposal from the Chicago Harbor, Chicago River, and Calumet Harbor and River Federal Deep-Draft Navigation Projects, which function as segments of the Port of Chicago. The amount of material to be disposed of during a ten-year maintenance period includes 125,000 cubic yards from Chicago Harbor, 1,125,000 cubic yards from the Chicago River, and 900,000 cubic yards from Calumet Harbor and River, or a total of 2,150,000 cubic yards. The selected site for the confined disposal of the 2,150,000 cubic yards of material is located in Lake Michigan riparian to the Iroquois Landing Containerized Shipping Facility and adjacent to the south bank of the Calumet River within the Calumet Harbor breakwater. Filtered effluent from the disposal facility will be piped to the Calumet River. Concurrence on the use of the site has been received from the U.S. Fish and Wildlife Service; the Illinois Department of Transportation, Division of Water Resources; the Illinois Department of Conservation; and the Northeastern Illinois Planning Commission. Preliminary concurrence on the use of the site has been received from the U.S. Environmental Protection Agency and the Illinois Environmental Protection Agency.

2. The alternatives that were considered are as follows:

a. No action.

b. Eight alternative disposal sites were investigated in various combinations and with varying capacities for a total of 20 alternative disposal plans. The eight alternative disposal sites considered were: (1) Chicago River Turning Basin, a 54 acre area within the Federal inner breakwater; (2) South Fork of Chicago River, a 7,000 foot long tributary to the South Branch Chicago River; (3) Northerly Island, an artificial island in Lake Michigan which would be expanded lakeward and southward; (4) Riparian fill north of the Calumet River; (5) Riparian fill south of the Calumet River (selected site); (6) City of Chicago Landfill, where dredged material would be utilized to cover an existing sanitary landfill north of Lake Calumet; (7) Chicago Regional Port District Areas, consisting of existing diked areas within Lake Calumet; and (8) Existing Calumet River Disposal Area, a 60 acre land area near the Calumet River and Stoney Island Avenue extended, used for disposal since 1967.

3. Coordination regarding the selection of the site for the confined disposal facility and other aspects of the project has been undertaken with the following: U.S. Environmental protection Agency, U.S. Fish and Wildlife Service, Illinois Environmental Protection Agency, Illinois Department of Transportation, Illinois Department of Conservation, Northeastern Illinois Planning Commission, City of Chicago, Chicago Park District and the Metropolitan Sanitary District of Greater Chicago. An interagency meeting in April 1976 and a public workshop in March 1977 were held to discuss the project and to provide input into the selection of a site for the confined disposal facility.

4. Significant issues to be analyzed in depth include a detailed characterization of the physical and chemical nature of the sediments to be confined in the facility, the potential for degredation of the quality of the groundwater aquifer, impacts on fisheries and surface water quality, and a determination of the future use of the disposal facility area.

5. No scoping meeting will be held. The scoping process has been undertaken as part of the on-going public participation and coordination program.

6. The DEIS is expected to be available to the public in August 1980.

7. Questions about the proposed action and DEIS can be answered by Mr. Tom Slowinski, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Branch, 219 South Dearborn Street, Chicago, Illinois 60604. Mr. Slowinski's telephone number is (312) 353–7805.

Howard N. Nicholas,

LTC., Corps of Engineers, District Engineer.

[FR Doc. 80-14491 Filed 5-9-80; 8:45 am]

BILLING CODE 3710-HN-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement Between United States and European Atomic Energy Committee

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following retransfer:

RTD/EU (SD)–29, from Switzerland to West Germany, 473.12 grams of uranium, containing 431.0 grams of U–235, for separation and recovery of Molybdenum-

99. The Molybdenum-99 is to be utilized as medical tracer in medical applications. The uranium which is recovered will be utilized for fabrication of targets.

In accordance with Section 131 of the Atomic Energy Act of 1954 as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 27, 1980.

Dated May 6, 1980.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-14423 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. IE-78-5]

Basin Electric Power Cooperative; Order Granting Authority To Export Electric Energy

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Order Granting Authorization to Export Electric Energy Across United States-Canadian Border by Basin Electric Power Cooperative: ERA Docket No. IE-78-5.

SUMMARY: ERA has authorized the Basin Electric Power Cooperative, pursuant to Section 202(e) of the Federal Power Act, to export electric energy across the United States-Canadian Border to Saskatchewan Power Corporation.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3825.

Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Building, 1000 Independence Ave. SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: On July 24, 1978, Basin Electric Power Cooperative (Basin) filed an application with the Economic Regulatory Administration (ERA), pursuant to the provisions of Section 202(e) of the Federal Power Act and § 32.30 of the rules of practice and procedure, for authority to export electric energy to Canada from the United States through facilities at the international boundary.

Basin stated in its application for export authority that the contract between it and Saskatchewan is for an exchange of 100 megawatts of firm seasonal diversity peaking power with energy not to exceed a total of 438,000 megawatt-hours in any calendar year, until the contract terminates on April 30, 2000. This export was approved.

Approvals were also granted for additional quantities of power and energy to be exported to Saskatchewan in accordance with service schedules included with the application filed with ERA. The order limits the total electricity exports during any consecutive twelve-month period to 900,000 megawatt hours.

ERA, in its review of the application, determined that the proposed electricity exports to Saskatchewan would not impair the sufficiency of electric supply within the United States.

Copies of the order issued March 6, 1980, are on file with ERA and will, upon request, be made available for public inspection and copying at the ERA Docket Room, Room B-210, 2000 M Street, NW., Washington, D.C., and at the System Reliability and Emergency Response Branch, Room 4110, 2000 M Street, NW., Washington, D.C.

Dated: May 5, 1980.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 80-14421 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-014]

Public Service Electric and Gas Co., Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Public Service Electric and Gas Company (Public Service) filed an application for certification of an eligible use of natural gas to displace fuel oil at eight of its electric generating stations in New Jersey, with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on March 13, 1980, as amended March 26, 1980. Notice of that application was published in the **Federal Register** (45 FR 28188, April 28, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received. Requests were received, however, from the applicant and the eligible seller, Cabot Corporation, to waive the public comment period and issue this certification prior to the expiration of the ten days pursuant to 10 CFR 595.06.

The ERA has carefully reviewed these requests and Public Service's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Public Service's application satisfies the criteria enumerated in 10 CFR Part 595, and therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. The ERA has further determined to waive a portion of the public comment period and expedite the issuance of this certification. The certification involves the displacement of large volumes of imported fuel oil and, in accordance with the policy considerations expressed in the final rulemaking regarding procedures for certification, it is in the public interest to maximize the displacement of imported oil. Also, Cabot Corporation, the eligible seller of the natural gas, has indicated that, due to the warm winter just experienced, its deliveries of natural gas for storage are well ahead of normal schedules. Further delay in implementing this certification could result in the shutting-in of gas production and the financial loss which such action entails. Public comments will still be accepted by the ERA for the remainder of the original ten (10) day comment period in view of the ability of the Administrator to terminate a certification for good cause (10 CFR 595.08). A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on May 5, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

May 5, 1980.

Mr. Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Re: ERA Certification of Eligible Use, ERA Docket No. 80-CERT-014, Public Service Electric and Gas Company.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Requests were received from the applicant and eligible seller, Cabot Corporation, to waive the public comment period and issue

this certification prior to the expiration of the ten (10) days pursuant to 10 CFR 595.06. The Economic Regulatory Administration (ERA) has determined to waive a portion of the ten (10) day public comment period and expedite the issuance of this certification. The certification involves the displacement of large volumes of imported fuel oil and it is in the public interest to maximize this displacement of imported oil. Also, Cabot Corporation, the eligible seller of the natural gas, has indicated that, due to the warm winter just experienced, its deliveries of natural gas for storage are well ahead of normal schedules. Further delay in implementing this certification could result in the shutting-in of gas production and the financial loss which such action entails. Public comments will still be accepted by the ERA for the remainder of the original ten (10) day comment period in view of the ability of the ERA Administrator to terminate a certification for good cause (10 CFR 595.08).

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 653-3859. All correspondence and inquiries regarding this certification should reference ERA Docket No. 80-CERT-014.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Public Service Electric and Gas Company

[ERA Docket No. 80-CERT-014]

Application for Certification

Pursuant to 10 CFR Part 595, Public Service Electric and Gas Company (Public Service) filed an application for certification of an eligible use of approximately 5 billion cubic feet of natural gas to displace fuel oil at eight of its electric generating stations in New Jersey: Bergen in Ridgefield, Essex in Newark, Hudson in Jersey City, Kearney in Kearney, Linden in Linden, Sewaren in Sewaren, Edison in Edison, and Mercer in Trenton, with the Administrator of the Economic Regulatory Administration (ERA) on March 13, 1980, as amended March 26, 1980. The application states that the eligible seller of the gas is the Cabot Corporation (Cabot) and the gas would be transported by the Tennessee Gas Pipeline Company, the Consolidated Gas Supply Corporation, the Transcontinental Gas Pipeline Corporation, and the Columbia Gas Transmission Corporation. The application indicates that the use of this natural gas is estimated to displace the use of approximately 752,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 20,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year at the above eight electric generating stations. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of approximately 5 billion cubic feet of natural gas at Public Service's eight electric generating stations in New Jersey purchased from Cabot is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C., on May 5, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-14422 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-334]

Arkansas Louisiana Gas Co.; Application

May 5, 1980.

Take notice that on April 22, 1980, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP80-334 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Rimrock Gas Company (Rimrock), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is presently making sales to Rimrock under a May 8, 1968, service agreement with Northern Natural Gas Company, Peoples Natural Gas Division which was assigned to Rimrock on August 25, 1971. The gas was used at an irrigation project in Oklahoma. It is stated that the sales were commenced as intrastate sales at rates fixed by the Oklahoma Corporation Commission and that said sales have now become interstate in nature.

Applicant states that at some point in time after Rimrock acquired the assignment, some rural residential and commercial customers were connected without Applicant's knowledge. It is stated that the average daily volumes have been small and the contract maximum entitlement during the relatively heavy used irrigation season is 2,000 Mcf a day.

Applicant states that it and Rimrock have entered into a new service agreement dated April 15, 1980 pursuant to which Applicant would continue the sales to Rimrock on an interstate basis so that sales can be made under Applicant's gas Rate Schedule G-2. It is stated that gas being sold under this sale is being resold for farm irrigation and some human needs consumption.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14514 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-335]

Arkansas Louisiana Gas Co.; Application

May 5, 1980.

Take notice that on April 22, 1980, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP80-335 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Charles C. Kelley, Trustee of the estate of the debtor, in bankruptcy, Southeastern Oklahoma Development and Gas Authority, (Southeastern) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently making sales to Southeastern under a service agreement. It is stated that the sales commenced as intrastate sales at rates fixed by the Oklahoma Corporation Commission and that said sales have now become interstate in nature.

Applicant states that the sale to Southeastern is for gas service to the town of Talihina, Oklahoma. It is stated that the volumes of gas Applicant has delivered for Talihina the last three years have averaged less than 300 Mcf per day.

Applicant states that it and Southeastern have entered into a new service agreement so that sales can be made under Applicant's Rate Schedule G-2. It is stated that said service agreement is with the Trustee in bankruptcy for Southeastern. It is further stated that gas being sold under this sale is being resold for human needs consumption.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14515 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-91]

Arkansas Louisiana Gas Co.; Rate Change

May 5, 1980.

Take notice that Arkansas Louisiana Gas Company ("Arkla") on April 28, 1980 tendered for filing proposed changes in its FERC Gas Tariff Original Volume No. 3. The proposed changes affect one rate schedule, Arkla's FERC Gas Rate Schedule No. X-26, under which gas is sold to only one customer, namely, Cities Service Gas Company, at a point of delivery near Jane, Missouri, and would increase revenues from jurisdictional sales and service by approximately $3.9 million based on the 12-month period ending December 31, 1979, as adjusted. Arkla states that the rate increase is necessitated by a revenue deficiency caused by increases in plant and related cost of service items, including increases in costs of operation, services, taxes, employee wages, pensions and benefits and other costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14516 Filed 5-9-80; 8:45 a.m.]

BILLING CODE 6450-85-M

[Docket No. RP80-90]

Caprock Pipeline Co.; Proposed Change for Rates

May 2, 1980.

Take notice that on April 24, 1980, Caprock Pipeline Company ("Caprock"), pursuant to Section 4 of the Natural Gas Act ("Act") and § 154.63 of the Commission's Regulations under the Act, filed herein a proposed increase in its rates charged to Pioneer Natural Gas Company ("Pioneer") for the sale of natural gas pursuant to Caprock's Rate Schedule S-3 to its FERC Gas Tariff, Original Volume No. 2. The Proposed effective date for such rate increase is May 24, 1980.

Caprock states that it purchases residue gas from the United States Government, acting through the Department of Interior ("Interior"), at the outlet of Interior's helium plant located near Amarillo, Texas, pursuant to the terms of a Gas Purchase Agreement dated May 17, 1929, as amended. The most recent amendment to the original gas purchase agreement was entered into on July 1, 1979. Among other things, the amendment provides that Caprock will pay Interior the maximum lawful price allowed under Section 104 of the Natural Gas Policy Act of 1978 ("NGPA"), for "flowing gas" sold by a large producer, and a gathering fee of one cent per Mcf of gas delivered to Caprock at the outlet of the helium plant.

Under a contract amendment dated December 10, 1979, Pioneer and Caprock agreed that Pioneer would pay the same price for gas and gathering that Caprock pays the Department of Interior.

Caprock further states that this filing is made pursuant to the terms and conditions set forth in the Commission's "Order Accepting Revised Tariff Sheets for Filing Subject to Conditions and Granting Waiver" issued on January 18, 1980 in *Caprock Pipeline Company*, Docket No. RP80-59.

The increase in rates sought by Caprock reflects only the increased cost of gas to Caprock from Interior.

Any person desiring to be heard and to make any protest with reference to said filing should file a petiton to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Caprock's filing in on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14517 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-330]

Columbia Gulf Transmission Co., et al.; Application

May 5, 1980.

In the matter of Columbia Gulf Transmission Co., Consolidated Gas Supply Corp., Texas Gas Transmission Corp.

Take notice that on April 18, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, filed in docket No. CP80-330 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities in offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In order to attach reserves which they have purchased in Ship Shoal Blocks 247 and 248, offshore Louisiana, Applicants propose to construct and operate 3.0 miles of 16-inch pipeline and related measuring facilities from the "F" production platform in Ship Shoal Block 247 and 1.9 miles of pipeline and related measuring facilities from the "D" production platform in Ship Shoal Block 248 each to an underwater side tap on an existing 30-inch line in Eugene Island Block 278 owned by Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Texas Eastern Transmission Corporation and Texas Gas.

It is stated that the $6,302,300 estimated cost of the proposed facilities would be financed by Applicants from internally generated funds, and that the cost to construct, operate and maintain the projects and the capacity entitlement from each project would be based upon each Applicant's individual ownership percentage of that project. The proposed facilities would be constructed and operated by Columbia Gulf and owned jointly by applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1980, file, with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14518 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-22 (PGA80-2c)]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

May 5, 1980.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on April 28, 1980 tendered for filing a revision to its semi-annual PGA filing made February 4, 1980 as amended February 19, 1980. The revision, shown on Nineteenth Revised Sheet No. 16, is being made to reflect the correction of an error made in the original filing. Consolidated proposed an effective date of April 1, 1980.

Consolidated stated that in its original computation it used the total average cost of gas in effect prior to March 1, 1980 instead of the Commodity Cost of Gas in computing the unit change from pipeline suppliers.

Consolidated requests a waiver of the Commission's rules and regulations, specifically § 154.22, Notice Requirements, and any other of the rules and regulations as may be deemed necessary in order to permit the rates shown on Nineteenth Revised Sheet No. 16 to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any persons wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14519 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-19]

Diversified Properties, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

May 2, 1980.

Take notice that Diversified Properties on April 22, 1980, filed a Petition for Review under 42 U.S.C.

7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before May 16, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Steven A. Schatten, Office of General Counsel, Department of Energy, Room 5142, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14520 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-122, and Docket No. CP73-148]

Energy Terminal Services Corp., and Energy Pipeline Corp., Intent To Prepare an Environmental Impact Statement and To Conduct an Informal Public Hearing on Environmental Matters Related to a Liquefied Natural Gas Facility at Staten Island, N.Y.

May 7, 1980.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) intends to prepare an environmental impact statement (EIS) or supplement the final environmental impact statement (FEIS) prepared and circulated in July 1974 for the construction and operation of a liquefied natural gas (LNG) importation terminal at Rossville, Staten Island, New York. The statement will address these applications for certificates of public convenience and necessity to construct and/or operate an LNG peak-shaving facility utilizing two existing LNG storage tanks and appurtenant facilities and a proposed 30-inch diameter natural gas transmission pipeline.

The original July 1974 FEIS addressed an LNG importation project in which Eascogas LNG, Inc. (Eascogas) and Distrigas Corporation (Distrigas) proposed to import into and sell volumes of LNG from the Rossville LNG terminal then being constructed by Distrigas of New York Corporation (DONY). Approximately 6,000 feet of 24-inch diameter transmission line with a 2,675-foot long underwater segment of 30-inch diameter loop was also proposed by Distrigas Pipeline Corporation. The associated dockets were CP73-47, CP73-48, CP73-132, CP73-148, CP73-230, and CP74-122. Of the six dockets, only two are now applicable, and the applicants' names have since changed.

Docket No. CP74-122, as amended by Energy Terminal Services Corporation (ETS) on February 22, 1980, requests authorization to operate a peak-shaving facility at its existing facilities in Rossville, Staten Island, New York, using both of the existing 900,000-barrel capacity LNG storage tanks and appurtenant facilities, including vaporization (360 billion Btu/day) and compression equipment. It also seeks to construct and operate a 30 billion Btu/day liquefaction unit and vaporization units with an additional 360 billion Btu/day capacity. The existing facilities which would be used for the peaking service cost $127,158,000; this does not include the existing dock facilities, piping within the plant, and other facilities not needed for this proposal.

Docket No. CP73-148, as amended by Energy Pipeline Corporation (EPC) on April 10, 1980, requests authorization to construct and operate a 30-inch diameter natural gas transmission pipeline, approximately 16,625 feet long, between the Rossville LNG plant and points of interconnection with Texas Eastern Transmission Company (Texas Eastern) and Public Service Electric and Gas Company (Public Service) in Woodbridge, New Jersey. EPC also requests authorization to construct and operate a metering and regulating station near the interconnections. The total estimated costs of these facilities would be $9,835,000.

As a part of these two applications, Texas Eastern would purchase from ETS storage capacity of 1,231 billion Btu's and delivery of 102.7 billion Btu/day. This service would replace the service previously supplied by Texas Eastern's own LNG facility, which is the subject of a separate application (Docket No. CP66-43). Because of this arrangement, the FERC staff will conduct no further environmental analysis for Docket No. CP66-43.

The EIS will concentrate on safety issues associated with the liquefaction, storage, and revaporization of LNG at a peak-shaving facility in a populated area. Since the transportation of LNG by ship is no longer proposed, the safety issues associated with this form of LNG transportation will not be addressed.

The FERC will be the lead agency responsible for preparing the EIS and invites the participation of other agencies. Federal, state, and local agencies, private interest groups, and the public are encouraged to submit comments on the scope of the EIS evaluating the proposed project. Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Recommendations that the EIS address specific issues should be supported by detailed rationale or a showing of the need to consider those issues. Written comments are requested by May 30, 1980. In addition, a local meeting to discuss the scope of the EIS will be held at the Federal Building, 26 Federal Plaza, Room 1-102, New York, New York 10278 on May 30, 1980. Two sessions will be conducted from 9:00 a.m.-12:30 p.m. and 2:30 p.m.-6:00 p.m. All comments will be considered by the FERC staff in determining the scope of the EIS.

Further information on the project is available from Mr. Robert Arvedlund, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-9043.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14564 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-95]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

May 5, 1980.

Take notice that National Fuel Gas Supply Corporation ("National"), on Apr. 30, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1 and First Revised Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by approximately $18,000,000 based on the 12 month period ended December 31, 1979, as adjusted.

National states that the increased rates are required to recoup increased costs incurred in operating and maintaining its system, including, but not limited to, increased cost of capital, increased depreciation, increased wages, and taxes and increased gas costs. The rates proposed reflect an overall rate of return of 12.06 percent. The filing also reflects a decline in National's annual sales volumes. National will make the appropriate filing

to reflect the applicable surcharge adjustment and current cost of gas in effect at the time the proposed rates become effective after suspension.

National states that it has excluded from this filing costs applicable to facilities to be sold to its affiliate, National Gas Storage Corporation ("Storage") pursuant to the joint application of Storage and National which is the subject of Docket No. CP76–492, et al.

National proposes to reduce the minimum heat content of gas delivered to its customers from 1,000 Btu to 950 Btu per cubic foot. National Fuel says that this change is necessary because the tariff provisions of certain of National's suppliers have been changed to lower the minimum Btu requirement and that for this reason National in the future, may not be able to deliver 1,000 Btu per cubic foot to its customers.

National Fuel requests all necessary waivers of the Commission's Regulations to permit the filing of proposed increased rates for a certificated transportation service to off-system customers which will commence at the initial transportation rates during the five-month suspension period of this filing, assuming full statutory suspension. National states that these peculiar circumstances constitute good cause for granting such waivers.

National states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware and New Jersey.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–14535 Filed 5–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. E–8641, et al. and ER76–304, et al.]

New England Power Co.; Filing

May 5, 1980. .

The filing company submits the following:

Take notice that on April 25, 1980, New England Power Company (NEP) submitted for filing revised cost of service and rate schedules pursuant to Opinion No. 49–A, issued March 26, 1980.

At such time as the Commission approves NEP's submittals, NEP requests that it be allowed at least thirty (30) days within which to compute and deliver the appropriate refunds.

A copy of this filing has been served upon the affected parties.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before May 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–14536 Filed 5–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–88]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

May 2, 1980.

Take Notice that Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), on April 25, 1980 tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales by $164,039,358 annually, based on sales volumes and costs for the twelve months ended December 31, 1979, as adjusted for the Test Period. Northern also proposes certain revisions to other paragraphs of the General Terms and Conditions of Third Revised Volume No. 1.

Northern states the principal reasons for the proposed rate increase are: (1) Increased costs of obtaining new gas supplies, (2) The need to provide a return of 13.32% on its utility investment, and (3) Increased costs of operations.

The Company states that copies of the filing have been mailed to each of its Gas Utility customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–14537 Filed 5–9–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP77–447]

Northwest Pipeline Corp.; Amendment to Application

May 5, 1980.

Take notice that on April 25, 1980, Northwest Pipeline Corporation (Applicant), 315 East 200 South Street, Salt Lake City, Utah 84111, filed in Docket No. CP77–447 pursuant to Section 7(c) of the Natural Gas Act an amendment to its application in said docket so as to reflect a change in transportation rates, all as more full set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that its application herein requests authorization for the transportation of up to 5,000 Mcf of natural gas per day for the account of IGC Production Company (IGC). Applicant asserts that is initially proposed a transportation rate of 16.03 cents per Mcf for all volumes of gas transported and redelivered for IGC, and that it would retain two percent of the volumes transported as compensation for compressor fuel usage.

Applicant now proposes to charge IGC for the proposed transportation service at the system average rolled-in transmission rate which is presently 21.08 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington,

D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14538 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-94]

Peoples Natural Gas Co., Division of InterNorth, Inc.; Proposed Changes in FPC Gas Tariff

May 5, 1980.

Take notice that Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples) on April 29, 1980, tendered for filing proposed changes in its FPC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales and service by $54,236 based on the twelve (12) month period ending December 31, 1979, as adjusted.

Peoples states that the primary reasons for filing this increase are to recover the increased costs of operations and provide sufficient revenues to enable it to earn a fair and reasonable rate of return on its utility investment.

Copies of the filing were served upon the Company's jurisdictional customers and the New Mexico and Oklahoma Regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14539 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85

[Docket No. CP80-332]

Sea Robin Pipeline Co.; Florida Gas Transmission Co.; Application

May 5, 1980.

Take notice that on April 21, 1980, Sea Robin Pipeline Company (Sea Robin), P.O. Box 1478, Houston, Texas 77001, and Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP80-332 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural) and Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have entered into a gas transportation agreement with Natural, dated March 21, 1980, to transport up to 3 billion Btu's of natural gas per day on a best-efforts basis for the account of Natural. It is further stated that Applicants have entered into a gas transportation agreement with Mich Wis, dated March 21, 1980, to transport up to 1.8 billion Btu's of natural gas per day on a best-efforts basis for the account of Mich Wis.

It is stated that Natural and Mich Wis would make deliveries of natural gas to Applicants at a subsea tap located downstream from the producer's Platform B on the V-22 System in Vermilion Block 22, offshore Louisiana. It is further stated that 5.6 miles of 6-inch pipeline, extending from East Cameron Block 38 to the delivery point, would be jointly constructed by Sea Robin, Mich Wis, and Natural under their individual budget-type certificates.

Applicants propose to redeliver thermally equivalent quantities of gas, less unaccounted-for gas, to Transcontinental Gas Pipe Line Corporation for the Accounts of Natural and Mich Wis at the terminus of the V-22 System near the Pecan Island Area, Vermilion Parish, Louisiana.

It is stated that Natural and Mich Wis would initially pay Applicants a rate of 3.0 cents per million Btu's for gas transported under the agreements which have a primary term of five years, commencing with the date of initial delivery of gas to Applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14540 Filed 5-9-80; 8:45 a.m.]

BILLING CODE 6450-85-M

[Docket No. CP80-329]

Southern Natural Gas Co.; Application

May 5, 1980.

Take notice that on April 18, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-329 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities in East Carroll Parish, Louisiana, and Issaquena County, Mississippi, all as

more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 18,500 feet of 20-inch O.D. pipeline, 15,300 feet of which constitutes a dual 20-inch O.D. river-crossing, and appurtenant facilities to cross the Mississippi River in East Carroll Parish, Louisiana, and Issaquena County, Mississippi. The proposed 20-inch river-crossing would connect Applicant's 22-inch North Main Line and Loop in Louisiana with Applicant's 22-inch North Main Line and Loop in Mississippi. The river-crossing is said to be located near Applicant's lower river-crossing headers of its existing pipelines on either side of the Mississippi River.

Applicant's existing river-crossing facilities for its North Main System are said to consist of numerous 10-inch O.D. pipelines resting on the river bottom which were primarily installed in 1929 and 1937.

Applicant proposes in the construction of this new river-crossing to bury the dual 20-inch river-crossing pipelines in the river bottom, an installation Applicant considers to be more resistant to washing out of service, entanglement and other similar damage.

It is stated that the $8,098,870 estimated cost of the facilities would be financed initially by short-term financing and/or cash from current operations, and ultimately from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14541 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-159]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Amendment to Application

May 5, 1980.

Take notice that on April 21, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-159 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act so as to request permission and approval to abandon its transportation service for Celanese Chemical Company Inc. (Celanese) and certain related measuring facilities, all as more fully set forth in the amendment on file with the Commission which is open to public inspection.

Applicant states that originally it requested authorization to transport natural gas for Celanese on an interruptible basis and to restore measuring facilities at Redelivery Points A and B to jurisdictional service.

It is further stated that this service to Celanese which was authorized by temporary order issued December 31, 1979, ceased on January 14, 1980, because the available delivery pressure was below that desired by Celanese. Applicant states that Celanese has made arrangements with Valero Transmission Company and Channel Industries Gas Company (Channel) to have its gas delivered on a firm basis. Applicant proposes to abandon the measurement facilities at Redelivery Point A by sale to Channel for their depreciated book value as of the end of the calendar month immediately preceding the month in which abandonment authorization is granted. Applicant further proposes to abandon and retire the measurement facilities at Redelivery Point B.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14542 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-97]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Filing of Changes in Rates

May 5, 1980.

Take notice that on April 30, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing changes in its FERC Gas Tariff to be effective June 1, 1980, consisting of the following revised tariff sheets.

Ninth Revised Volume No. 1: Twenty-Ninth Revised Sheet Nos. 12A and 12B.

Sixth Revised Volume No. 2: First Revised Sheet Nos. 266J, 268C, 286E, 287E, 288D, 289E, 290E, 291E, 292E, 297D, 297E, 299L9, 299L10, 299M6, 299N5, 299O5, 299Q5, 299R5, 299S9 and 299S10; Second Revised Sheet Nos. 266I, 273D, 273E and 274E; Third Revised Sheet Nos. 262D and 262E, Fourth revised Sheet Nos. 141A and 252B; Fifth Revised Sheet Nos. 246D, 247D, 248D, 249H and 249I; Sixth Revised Sheet No. 245D; Seventh Revised Sheet Nos. 76 and 215; Eighth Revised Sheet Nos. 53, 54 and 77; Ninth Revised Sheet No. 141; and Eleventh Revised Sheet Nos. 11 and 12.

The changes would increase revenues from jurisdictional sales and services by $106,983,591 based on a test period consisting of the twelve months ended January 31, 1980, adjusted for known changes through October 31, 1980.

Tennessee states that the increased rates are required to reflect an increase in rate of return and related income taxes, increased plant and related expenses, and increases in the cost of

materials, supplies, wages, taxes, and the transportation of gas by others.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14543 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-339]

United Gas Pipe Line Co.; Application

May 5, 1980

Take notice that on April 24, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-339 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a farm tap in Odem, San Patricio County, Texas, all as more fully set forth in the application which is on file with the Commissiton and open to public inspection.

Applicant proposes to establish a new delivery point to continue to provide gas service through Entex, Inc. (Entex) for the Smith Gin Co-op located in Odem, Texas. Smith Gin Co-op, it is stated, was previously located in the downtown section of Odem but has moved its site to an outlying area of Odem. It is asserted that the the proposed new delivery point is required to continue natural gas service to this customer.

The cost of the proposed construction is $788 which cost would be financed with available funds, it is stated. It is further asserted that no increase in the maximum daily quantity would be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10 and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiciton conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14545 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-342]

United Gas Pipe Line Co.; Application

May 5, 1980.

Take notice that on April 28, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston Texas 77001, filed in Docket No. CP80-342 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 42.6 miles of 30-inch pipeline and appurtenant facilities in Natchitoches, Winn and La Salle Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 42.6 miles of 30-inch pipeline and appurtenant facilities extending from a point of interconnection with Applicant's proposed Clarence Compressor Station to a point of interconnection with Applicant's existing Olla Compressor Station. It is asserted that the proposed facilities are required to improve Applicant's withdrawal flexibility at the Bistineau Storage Field facilities during the winter season by providing a third route by which the Bistineau Storage gas can be delivered to West Monroe Junction, Louisiana, for further movement to major load centers on Applicant's system.

Applicant estimates the cost of the proposed facilities to be $27,779,100 which cost would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14546 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 188]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 5, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26398/K–78–0398
2. 15–175–00000–0000
3. 108 000 000
4. Hasada Industries
5. Shrack No. 1 P03717000
6. Three Star Sec 5 Twp 35 RG 32
7. Seward KS
8. 18.9 million cubic feet
9. April 8, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–26399/K–79–445
2. 15–093–00000–0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Company
5. Widner #1
6. Hugoton
7. Kearny KS
8. 18.0 million cubic feet
9. April 8, 1980
10.

1. 80–26418/K–79–0956
2. 15–007–00000–0000
3. 108 000 000
4. Graham-Michaelis Corporation
5. Farley #1
6. Aetna field
7. Barber KS
8. 17.5 million cubic feet
9. April 11, 1980
10. Cities Service Oil Co

Louisiana Office of Conservation

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26419/79–2317
2. 17–017–22709–0000
3. 103 000 000
4. The Louisiana Land & Exploration Co
5. Texaco Fee No 1—160960
6. Longwood
7. Caddo LA
8. 203.0 million cubic feet
9. April 11, 1980
10. Arkansas Louisiana Gas Co

1. 80–26420/79–2316
2. 17–017–22378–0000
3. 103 000 000
4. The Louisiana Land & Exploration Co
5. Texaco Fee #1
6. Longwood
7. Caddo LA
8. 52.0 million cubic feet
9. April 11, 1980
10. Southwestern Electric Power Co

Michigan Department of Natural Resources

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26347
2. 21–113–00000–0000
3. 103 000 000
4. Sun Oil Co
5. Enterprise Unit No 1–15
6. Enterprise
7. Missaukee MI
8. 40.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26348
2. 21–113–00000–0000
3. 103 000 000
4. Sun Oil Co
5. Enterprise Unit No 3–6
6. Enterprise
7. Missaukee MI
8. 42.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26349
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. W R Childers et al No 1
6. St Helen
7. Roscommon MI
8. 7.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26350
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. David C Hyde No 1
6. St Helen
7. Roscommon MI
8. 8.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26351
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. Anna N Nellist et al No 1
6. St Helen
7. Roscommon MI
8. 4.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26352
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. N–M–L–O–C and USA No 1
6. St Helen
7. Roscommon MI
8. 11.7 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26353
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. Nellist-Schwalm et al Unit No 1
6. St Helen
7. Roscommon MI
8. 10.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26354
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. State Richfield D No 1
6. St Helen
7. Roscommon MI
8. 12.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26355
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. V Terhune et al Unit No 1
6. St Helen
7. Roscommon MI
8. 10.6 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

1. 80–26356
2. 21–143–00000–0000
3. 108 000 000
4. Sun Oil Co
5. Thomas A. Yawkey et al, No 1
6. St Helen
7. Roscommon MI
8. 5.0 million cubic feet
9. April 10, 1980
10. Dow Chemical Co

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26273
2. 30–025–00000–0000
3. 108 000 000
4. Ernie L Hegwer Inc
5. Sinclair State No 1—E–1731
6. Eumont-Yates
7. Lea NM
8. 120.0 million cubic feet
9. April 8, 1980
10. Phillips Petroleum Co El Paso Natural Gas Co

1. 80–26274

2. 30–025–21713–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Santa Fe No 113
6. Vacuum Yates
7. Lea NM
8. 4.0 million cubic feet
9. April 8, 1980
10. El Paso Natural Gas Co

1. 80–26275
2. 30–045–09046–0000
3. 108 000 000
4. Texaco Inc
5. New Mexico Com B No 1
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 14.0 million cubic feet
9. April 8, 1980
10. El Paso Natural Gas Co

1. 80–26276
2. 30–025–05439–0000
3. 108 000 000
4. Conoco Inc
5. State B–13 No 4
6. Bowers-Byers-Hobbs
7. Lea NM
8. 8.1 million cubic feet
9. April 8, 1980
10. Phillips Petroleum Co

1. 80–26277
2. 30–025–05608–0000
3. 108 000 000
4. Conoco Inc
5. State KI–16 No 1
6. Eumont-Monument
7. Lea NM
8. 19.4 million cubic feet
9. April 8, 1980
10. Northern Natural Gas Co

1. 80–26278
2. 30–025–00550–0000
3. 108 000 000
4. Conoco Inc
5. Taylor No 1
6. Baish-Maljamar-Pearsall
7. Lea NM
8. 2.6 million cubic feet
9. April 8, 1980
10. Transwestern Pipeline

1. 80–26279
2. 30–025–26372–0000
3. 102 000 000
4. Getty Oil Co
5. Getty 1 State No 1
6. East Grama Ridge-Morrow
7. Lea NM
8. 292.0 million cubic feet
9. April 9, 1980
10. Tuco Inc

1. 80–26280
2. 30–025–08790–0000
3. 108 000 000
4. Arco Oil and Gas Co
5. State 157 G #4
6. South Eunice
7. Lea NM
8. 4.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80–26281
2. 30–015–23024–0000
3. 103 000 000
4. Yates Petroleum Corp
5. Morris Mc Com No 1
6.
7. Eddy County NM
8. .0 million cubic feet
9. April 9, 1980
10.

1. 80–26282
2. 30–025–00000–0000
3. 103 000 000
4. Maralo Inc
5. Maralo 16 State #2
6. Sioux Yates Pool
7. Lea NM
8. 65.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–26283
2. 30–025–26450–0000
3. 103 000 000
4. Gulf Oil Corp
5. Central Drinkard Unit #431
6. Drinkard
7. Lea NM
8. .0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas

1. 80–26284
2. 30–025–26175–0000
3. 107 000 000
4. Arco Oil and Gas Co
5. Langley Boren Com #1
6. Undesignated Ellenburger
7. Lea County NM
8. 1800.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–26394
2. 30–045–05853–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Three States A Com #1
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 20.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–26395
2. 30–045–06150–0000
3. 108 000 000
4. El Paso Natural Gas Co
5. Brookhaven Com D #5
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 22.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–26396
2. 30–015–23041–0000
3. 103 000 000
4. Southland Royalty Co
5. State 14A Com #1
6. Turkey Track
7. Eddy NM
8. 150.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–26397
2. 30–015–22985–0000
3. 103 000 000
4. Southland Royalty Co
5. State 25 Com #1
6. Turkey Track
7. Eddy NM
8. 95.0 million cubic feet
9. April 9, 1980
10. Llano Inc

Oklahoma Corporation Commission

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26118/01529
2. 35–017–21099–0000
3. 103 000 000
4. Samedan Oil Corp
5. Davis No 1
6.
7. Canadian OK
8. 360.0 million cubic feet
9. April 10, 1980
10 Delhi Gas Pipeline Corp

1. 80–26119/01237
2. 35–137–21547–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #416
6. Sho-vel-tum
7. Stephens OK
8. .0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26120/02812
2. 35–137–21949–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #424
6. Sho-vel-tum
7. Stephens County OK
8. 12.0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26121/03326
2. 35–137–21989–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #427
6. Sho-vel-tum
7. Stephens OK
8. 1.0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26122/03282
2. 35–137–21963–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #426
6. Sho-vel-tum
7. Stephens OK
8. 1.0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26123/01238
2. 35–137–21769–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #418
6. Sho-vel-tum
7. Stephens OK
8. 2.0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26124/01240
2. 35–137–21559–0000
3. 103 000 000

4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #417
6. Sho-vel-tum
7. Stephens OK
8. 4.0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26125/01254
2. 35–137–21768–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #419
6. Sho-vel-tum
7. Stephens County OK
8. 11.0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26126/01239
2. 35–137–21799–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #421
6. Sho-vel-tum
7. Stephens OK
8. 18.0 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26127/01253
2. 35–137–21811–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #422
6. Sho-vel-tum
7. Stephens OK
8. 5.4 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26128/01252
2. 35–137–21792–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma WB Sims Sand Unit #420
6. Sho-vel-tum
7. Stephens OK
8. 2.9 million cubic feet
9. April 10, 1980
10 Getty Oil Co

1. 80–26271/02738
2. 35–073–22031–0000
3. 102 000 000
4. Universal Resources Corp
5. Krittenbrink #1–26
6. Unnamed
7. Kingfisher OK
8. 41.0 million cubic feet
9. April 10, 1980
10

1. 80–26272/02738
2. 35–073–22031–0000
3. 103 000 000
4. Universal Resources Corp
5. Krittenbrink #1–26
6.
7. Kingfisher OK
8. 41.0 million cubic feet
9. April 10, 1980
10

Pennsylvania Department of Environmental Resources,

Division of Oil and Gas

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26129/4043
2. 37–063–22775–0000
3. 108 000 000 denied
4. J & J Enterprises Inc
5. Gene Hawk #1 Ind–22775
6. Canoe
7. Indiana PA
8. 22.0 million cubic feet
9. April 10, 1980
10 Consolidated Gas Supply Corp

1. 80–26130/3317
2. 37–039–20127–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Peterman #1
6. Kastle Field
7. Crawford PA
8. 1.7 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26131/3318
2. 37–039–20092–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Price #1
6. Kastle Field
7. Crawford PA
8. 2.6 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26132/3319
2. 37–039–20144–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Boyd Reed #1
6. Kastle Field
7. Crawford PA
8. 3.9 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26133/3320
2. 37–039–20113–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Reynolds #1
6. Kastle Field
7. Crawford PA
8. .5 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26134/3321
2. 37–039–20115–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Smith #1
6. Kastle Field
7. Crawford PA
8. 9.7 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26135/3322
2. 37–039–20135–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Smith #2 (Walner)
6. Kastle Field
7. Crawford PA
8. 2.1 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26136/3323
2. 37–039–20087–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Spanovich #1
6. Kastle Field
7. Crawford PA
8. 5.7 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26137/3324
2. 37–039–20065–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Stebbins #1
6. Kastle Field
7. Crawford PA
8. 2.5 million cubic feet
9. April 10, 1980
10 National Fuel Gas Dist Corp

1. 80–26138/3325
2 37–039–20016–5000
3. 108 000 000
4. Mohawk Oil Corp
5. Tautin #1
6. Kastle Field
7. Crawford Pa
8. .1 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26139/3326
2 37–039–20083–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Van Buren #1
6. Kastle Field
7. Crawford Pa
8. 2.0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26140/3327
2 37–039–20089–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Yocina #1
6. Kastle Field
7. Crawford Pa
8. 4.8 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26141/3721
2 37–051–00000–0000
3. 108 000 000
4. J Robert Nelson Enterprises
5. Nelson-Johns #2 602306
6. Smithfield Quad German
7. Fayette Pa
8. 1.3 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission

1. 80–26142/3722
2 37–051–00000–0000
3. 108 000 000
4. J. Robert Nelson
5. Nelson-Desko 602307
6. German Township
7. Fayette Pa
8. 2.5 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26143/3723
2 37–051–00000–0000

3. 108 000 000
4. J Robert Nelson Enterprises
5. Nelson-Morris 602308
6. Masontown Quad German
7. Fayette Pa
8. 1.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission

1. 80–26144/3724
2 37–051–00000–0000
3. 108 000 000
4. J. Robert Nelson
5. Nelson-Holland 602309
6. Menallen Township
7. Fayette Pa
8. 2.5 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission

1. 80–26145/3305
2 37–039–20133–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Rak-Smith #1
6. Kastle Field
7. Crawford Pa
8. .0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26146/3306
2 37–039–20104–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Crosley #1
6. Kastle Field
7. Crawford Pa
8. 13.7 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26147/3307
2 37–039–20171–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Eells #1
6. Kastle Field
7. Crawford Pa
8. 3.9 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26148/3308
2 37–039–20075–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Hershelman #1
6. Kastle Field
7. Crawford Pa
8. 6.7 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26149/3309
2 37–039–20093–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Humes #1
6. Kastle Field
7. Crawford Pa
8. 15.0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26150/3310
2 37–039–20051–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Kastle #1
6. Kastle Field
7. Crawford Pa
8. 5.9 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26151/3311
2 37–039–20116–0000
3. 108 000 000
4. Mohawk Oil Corp
5. King #1
6. Kastle Field
7. Crawford Pa
8. .5 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26152/3312
2 37–039–20081–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Lilly #1
6. Kastle Field
7. Crawford Pa
8. .2 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26153/3313
2 37–039–20100–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Locke #1
6. Kastle Field
7. Crawford Pa
8. 1.9 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26154/3314
2 37–039–20128–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Lybarger #1
6. Kastle Field
7. Crawford Pa
8. .5 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26155/3315
2 37–039–20086–0000
3. 108 000 000
4. Mohawk Oil Corp
5. Marstellar #1
6. Kastle Field
7. Crawford Pa
8. 9.4 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26156/3316
2 37–039–20106–0000
3. 108 000 000
4. Mohawk Oil Corporation
5. Morfenski #1
6. Kastle Field
7. Crawford Pa
8. 15.5 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80–26157/0396
2 37–063–23584–0000
3. 103 000 000 Denied
4. Keystone Energy Resources Assoc
5. Olson #1 H–1
6. J W Hastings and R P Olson Farm
7. Indiana Pa
8. 20.4 million cubic feet
9. April 10, 1980
10. T W Philips Gas & Oil Co

1. 80–26158/1609
2 37–129–21230–0000
3. 103 000 000
4. Angerman Associates Inc
5. A Roskovensky #5–Wes-21230
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Company

1. 80–26159/1608
2 37–129–21295–0000
3. 103 000 000
4. Angerman Associates Inc
5. V Ressler #4–Wes-21295
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Company

1. 80–26160/1607
2 37–129–21294–0000
3. 103 000 000
4. Angerman Associates Inc
5. V Ressler #3–Wes-21294
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Company

1. 80–26161/1604
2 37–063–24100–0000
3. 103 000 000
4. Angerman Associates Inc
5. Q Neal #4–Ind-24100
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26162/1605
2 37–129–21228–0000
3. 103 000 000
4. Angerman Associates Inc
5. V Ressler #1–Wes-21228
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26163/1606
2 37–129–21293–0000
3. 103 000 000
4. Angerman Associates Inc
5. V Ressler #2–Wes-21293
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26164/1603
2 37–063–24099–0000
3. 103 000 000
4. Angerman Associates Inc
5. Q Neal #3–Ind-24099
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26165/1602
2 37–063–23796–0000
3. 103 000 000
4. Angerman Associates Inc
5. C McNaughton #2–Ind-23796
6. W Pa upper devonian sand section

7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26166/1601
2 37–129–21241–0000
3. 103 000 000
4. Angerman Associates Inc
5. L McCullough #3–Wes-21241
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26167/1600
2 37–063–24221–0000
3. 103 000 000
4. Angerman Associates Inc
5. D Lightcap #5–Ind-24221
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26168/1599
2. 37–063–24458–0000
3. 103 000 000
4. Angerman Associates Inc
5. J Gyenes #4—Ind–24458
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26169/1598
2. 37–063–24224–0000
3. 103 000 000
4. Angerman Associates Inc
5. J Gyenes #3—Ind–24224
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26170/1597
2. 37–063–24138–0000
3. 103 000 000
4. Angerman Associates Inc
5. C Glasser #4—Ind–24138
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26171/1596
2. 37–063–24106–0000
3. 103 000 000
4. Angerman Associates Inc
5. C Glasser #3—Ind–24106
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26172/1595
2. 37–063–24137–0000
3. 103 000 000
4. Angerman Associates Inc
5. C Glasser #1—Ind–24137
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26173/1594
2. 37–129–21225–0000
3. 103 000 000
4. Angerman Associates Inc
5. T M Gerhard #1—Wes–21225
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26174/1593
2. 37–063–24064–0000
3. 103 000 000
4. Angerman Associates Inc
5. Federal Labs #4—Ind–24064
6. W Pa Upper Devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26175/1592
2. 37–063–24128–0000
3. 103 000 000
4. Angerman Associates Inc
5. R Craig #2—Ind–24128
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26176/1591
2. 37–129–21334–0000
3. 103 000 000
4. Angerman Associates Inc
5. J E George #1—Wes–21334
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 27.4 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26177/1590
2. 37–063–23935–0000
3. 103 000 000
4. Angerman Associates Inc
5. Neal #2—Ind–23935
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26178/1589
2. 37–063–23834–0000
3. 103 000 000
4. Angerman Associates Inc
5. Federal Labs #3—Ind–23834
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26179/1588
2. 37–129–21157–0000
3. 103 000 000
4. Angerman Associates Inc
5. Mayer #1—Wes–21157
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 25.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26180/1587
2. 37–129–21143–0000
3. 103 000 000
4. Angerman Associates Inc
5. Kovalik #3—Wes–21143
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 25.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26181/1586
2. 37–129–00000–0000
3. 103 000 000
4. Angerman Associates Inc
5. Kahl #4—Wes–21136
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 27.7 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26182/1585
2. 37–129–00000–0000
3. 103 000 000
4. Angerman Associates Inc
5. Himler #2—Wes–21140
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 40.8 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26183/1584
2. 37–129–21046–0000
3. 103 000 000
4. Angerman Associates Inc
5. Himler #1—Wes–21046
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 48.3 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26184/1583
2. 37–129–20994–00003
3. 103 000 000
4. Angerman Associates Inc
5. Farran #2—Wes–20994
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 25.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26185/1582
2. 37–129–21100–0000
3. 103 000 000
4. Angerman Associates Inc
5. Cost #3—Wes–21100
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 25.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26186/1581
2. 37–129–21141–0000
3. 103 000 000
4. Angerman Associates Inc
5. Betroncine #3—Wes–21141
6. W Pa upper devonian sand section
7. Westmoreland Pa
8. 69.1 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26187/1580
2. 37–063–23715–0000
3. 103 000 000
4. Angerman Associates Inc
5. Sadosky #3—Ind–23715
6. W Pa upper devonian sand section
7. Indiana Pa
8. 36.8 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26188/1579

2. 37–063–23925–0000
3. 103 000 000
4. Angerman Gas Venture #9
5. Hamill #2—Ind–23925
6. W Pa upper devonian sand section
7. Indiana Pa
8. 22.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26189/1578
2. 37–063–23906–0000
3. 103 000 000
4. Angerman Gas Venture #6
5. Fitzgerald #3—Ind–23906
6. W Pa upper devonian sand section
7. Indiana Pa
8. 25.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26190/1577
2. 37–063–23905–0000
3. 103 000 000
4. Angerman Gas Venture #4
5. Simpson #5—Ind–23905
6. W Pa upper devonian sand section
7. Indiana Pa
8. 40.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26191/1576
2. 37–063–21576–0000
3. 108 000 000
4. Angerman Gas Venture #2
5. Spurlin #1—Ind–1656
6. W Pa upper devonian sand section
7. Indiana Pa
8. 4.6 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26192/1771
2. 37–033–20769–0000
3. 103 000 000
4. Doran & Associates Inc
5. M Zold #2 KL 134
6. upper devonian sands
7. Clearfield Pa
8. 30.0 million cubic feet
9. April 10, 1980
10. Consolidated Gas Supply Corp

1. 80–26193/1610
2. 37–063–23877–0000
3. 103 000 000
4. Laird T Orr Coal Co
5. Laird T & Ruby E Orr #1–Ind–23877
6. W Pa upper devonian sand section
7. Indiana Pa
8. 25.5 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26194/0501
2. 37–051–00000–0000
3. 108 000 000
4. Orville Eberly
5. Combs #2
6.
7. Fayette Pa
8. 2.6 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26195/1571
2. 37–063–21498–0000
3. 108 000 000
4. Angerman Gas Venture #1
5. Smyth #1—Ind–1498
6. W Pa upper devonian sand section
7. Indiana Pa
8. 10.6 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26196/1572
2. 37–063–21587–0000
3. 108 000 000
4. Angerman Gas Venture #1
5. Smyth #2—Ind–1587
6. W Pa upper devonian sand section
7. Indiana Pa
8. 10.6 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26197/1573
2. 37–063–21669–0000
3. 108 000 000
4. Angerman Gas Venture #1
5. Smyth #3—Ind–1669
6. W Pa upper devonian sand section
7. Indiana Pa
8. 10.6 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26198/1574
2. 37–063–21502–0000
3. 108 000 000
4. Angerman Gas Venture #1
5. Weyandt #1—Ind–1502
6. W Pa upper devonian sand section
7. Indiana PA
8. 13.6 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26199/1575
2. 37–063–21504–0000
3. 108 000 000
4. Angerman Gas Venture #1
5. McCall #1—Ind–1504
6. W Pa upper devonian sand section
7. Indiana PA
8. 15.8 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26200/1772
2. 37–063–24328–0000
3. 103 000 000
4. Doran & Associates Inc
5. C Lynch #3 KL 133
6. Upper devonian sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26201/1773
2. 37–063–24327–0000
3. 103 000 000
4. Doran & Associates Inc
5. C Lynch #2 KL 132
6. Upper devonian sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26202/1774
2. 37–063–24326–0000
3. 103 000 000
4. Doran & Associates Inc
5. C Lynch #1 KL 131
6. Upper devonian sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26203/1775
2. 37–005–22216–0000
3. 108 000 000
4. Doran & Associates Inc
5. E Samosky #1 K–L–91
6. Upper devonian sands
7. Armstrong PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26204/1777
2. 37–063–24340–0000
3. 103 000 000
4. Doran & Associates Inc
5. W McCauley #3 K–L–219
6. Upper devonian sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26205/1778
2. 37–129–21371–0000
3. 103 000 000
4. Doran & Associates Inc
5. C Seanor #2 K–L–212
6. Upper devonian sands
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26206/1781
2. 37–063–24150–0000
3. 103 000 000
4. Doran & Associates Inc
5. G Cornel #2 KL 51
6. Burrell
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26207/1782
2. 37–063–24149–0000
3. 103 000 000
4. Doran & Associates Inc
5. G Cornell #1 K–L–49
6. Burrell
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26208/1783
2. 37–063–24063–0000
3. 103 000 000
4. Doran & Associates Inc
5. W Bracken #2 K–L–47
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26209/1784
2. 37–063–24055–0000
3. 103 000 000
4. Doran & Associates Inc
5. J & L Mobile Homes #1 K–L–45
6. Burrell
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80–26210/1785
2. 37–063–24002–0000
3. 103 000 000
4. Doran & Associates Inc
5. A McCoy #1 K–L–43
6. South Mahoning

7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Industrial Gas Sales Inc

1. 80-26211/1786
2. 37-063-23998-0000
3. 103 000 000
4. Doran & Associates Inc
5. R Philippe #1 K-L-42
6. East Mahoning
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80-26212/1787
2. 37-129-21193-0000
3. 103 000 000
4. Doran & Associates Inc
5. J Graham #1 K-L-41
6. Loyalhanna
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80-26213/1788
2. 37-063-24024-0000
3. 103 000 000
4. Doran & Associates Inc
5. Indiana Investment Co #11 K-L-40
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80-26214/1789
2. 37-129-21286-0000
3. 103 000 000
4. Doran & Associates Inc
5. W Clawson #2 K-L-86
6. Upper devonian sands
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80-26215/1790
2. 37-063-24260-0000
3. 103 000 000
4. Doran & Associates Inc
5. R Bonarrigo #1 K-L-85
6. Upper devonian sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. T W Phillips Gas & Oil Co

1. 80-26216/1791
2. 37-063-24281-0000
3. 103 000 000
4. Doran & Associates Inc
5. J Lukehart #1 K-L-84
6. Upper devonian sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80-26217/1792
2. 37-005-22161-0000
3. 103 000 000
4. Doran & Associates Inc
5. H Gallagher #2 K-L-75
6. Wayne
7. Armstrong PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80-26218/1793
2. 37-065-21627-0000
3. 103 000 000
4. Doran & Associates Inc
5. D Dixon #1 K-L-74
6. Henderson
7. Jefferson PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Consolidated Gas Supply Corp

1. 80-26219/1794
2. 37-063-24341-0000
3. 103 000 000
4. Doran & Associates Inc
5. E Butterbaugh #1 K-L-94
6. Upper devonian sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80-26220/1795
2. 37-005-22193-0000
3. 103 000 000
4. Doran & Associates Inc
5. E Stockdill #1 K-L-96
6. Upper devonian sands
7. Armstrong PA
8. 30.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80-26221/2779
2. 37-033-20085-0000
3. 108 000 000
4. William C Hurtt
5. Bowersox Heirs No 1
6. Rockton-Luthersburg
7. Clearfield County PA
8. 10.3 million cubic feet
9. April 10, 1980
10. Consolidated Gas Supply Corp

1. 80-26222/2780
2. 37-033-20453-0000
3. 108 000 000
4. William C Hurtt
5. Eva B Moore No 1
6.
7. Clearfield PA
8. 6.4 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80-26223/3304
2. 37-039-20123-0000
3. 108 000 000
4. Mohawk Oil Corp
5. Ferguson #1
6. Kastle Field
7. Crawford PA
8. .0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Dist Corp

1. 80-26224/4044
2. 37-063-22723-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Wm Lowmaster #1 IND-22723
6. Canoe
7. Indiana PA
8. 18.0 million cubic feet
9. April 10, 1980
10. Consolidated Gas Supply Corp

1. 80-26225/4045
2. 37-063-21904-0000
3. 108 000 000
4. J & J Enterprises Inc
5. W Schroth #1 IND-1904
6. Canoe
7. Indiana PA
8. 20.0 million cubic feet
9. April 10, 1980
10. Consolidated Gas Supply Corp

1. 80-26226/4046
2. 37-063-22149-0000
3. 108 000 000
4. J & J Enterprises Inc
5. Minnie Rishel #1 IND-2149
6. Banks
7. Indiana PA
8. 22.0 million cubic feet
9. April 10, 1980
10. Consolidated Gas Supply Corp

1. 80-26227/4139
2. 37-049-20839-0000
3. 103 000 000
4. Taurus Oil Corp
5. Parknow #2 ERI-20839
6. Conneaut
7. Conneaut PA
8. 36.5 million cubic feet
9. April 10, 1980
10. National Fuel Gas Supply Corp

1. 80-26228/4141
2. 37-065-21641-0000
3. 103 000 000
4. Strihan Gas Co
5. Strihan #1
6. Cloe
7. Jefferson County PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Consolidated Nat Gas Supply Corp

1. 80-26229/4157
2. 37-049-20632-0000
3. 102 000 000
4. Appalachian Energy Inc
5. J Kolstee #1 A-E-29
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80-26230/4158
2. 37-049-20595-0000
3. 102 000 000
4. Appalachian Energy Inc
5. D Edwards #1 A-E-34
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80-26231/4159
2. 37-049-20588-0000
3. 102 000 000
4. Appalachian Energy Inc
5. H Raymond #1 A-E-26
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80-26232/4160
2. 37-049-20598-0000
3. 102 000 000
4. Appalachian Energy Inc
5. J Kolstee #1 A-E-31
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80-26233/4161

2. 37–049–20580–0000
3. 102 000 000
4. Appalachian Energy Inc
5. R Querreveld #1 A–E–35
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26234/4162
2. 37–049–20552–0000
3. 102 000 000
4. Appalachian Energy Inc
5. H Bensink #1 A–E–28
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26235/4163
2. 37–049–20582–0000
3. 102 000 000
4. Appalachian Energy Inc
5. A Slava #1 A–E–30
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26236/4164
2. 37–049–20554–0000
3. 102 000 000
4. Appalachian Energy Inc
5. H Raymond #1 A–E–25
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26237/4165
2. 37–049–20553–0000
3. 102 000 000
4. Appalachian Energy Inc
5. R Querreueld #1 A–E–27
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26238/4166
2. 37–049–20617–0000
3. 102 000 000
4. Appalachian Energy Inc
5. C Kennedy #1 A–E–32
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26239/4167
2. 37–049–20616–0000
3. 102 000 000
4. Appalachian Energy Inc
5. J Raymond #1 A–E–46
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26240/4168
2. 37–049–20597–0000
3. 102 000 000
4. Appalachian Energy Inc
5. N Hatch #1 A–E–36
6. Silurian Sand
7. Erie PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26241/4201
2. 37–049–20881–0000
3. 103 000 000
4. Envirogas Inc
5. #1 H McClure
6. North East Deep
7. Erie PA
8. 18.0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Supply Corp

1. 80–26242/4202
2. 37–049–20864–0000
3. 102 000 000
4. Envirogas Inc
5. #2 C Beebe
6. North East
7. Erie PA
8. 18.0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Supply Corp

1. 80–26243/4203
2. 37–049–20874–0000
3. 102 000 000
4. Envirogas Inc
5. #1 J Baker
6. North East
7. Erie PA
8. 18.0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Supply Corp

1. 80–26244/4204
2. 37–049–20789–0000
3. 102 000 000
4. Envirogas Inc
5. #1 H Barnett
6. North East
7. Erie PA
8. 18.0 million cubic feet
9. April 10, 1980
10. National Fuel Gas Supply Corp

1. 80–26245/4257
2. 37–039–20559–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Ernest C & Valerie Post #1 (W–1)
6. Athens
7. Crawford PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26246/4258
2. 37–039–20566–0000
3. 103 000 000
4. Wainoco Oil & Gas Co
5. Orie L and Essie Watson #1 (W–2)
6. Athens
7. Crawford PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26247/4274
2. 37–039–20595–0000
3. 103 000 000
4. Wainoco Oil & Gas Co
5. Edward Mills #1 (W–19)
6. Athens
7. Crawford PA
8. 10.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26248/4275
2. 37–039–20566–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Orie L and Essie Watson #1 (W–2)
6. Athens
7. Crawford PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26249/4278
2. 37–039–20565–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Leota A Himebaugh #1 (W–6)
6. Athens
7. Crawford PA
8. 200.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26250/4279
2. 37–039–20613–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Theodore S Bogardus #4 (W–21)
6. Athens
7. Crawford PA
8. 10.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26251/4280
2. 37–039–20614–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Theodore Bogardus #5 (W–27)
6. Athens
7. Crawford PA
8. 10.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26252/4281
2. 37–039–20578–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Theodore S & Mildred Bogardus #1 (W–?)
6. Athens
7. Crawford PA
8. 140.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26253/4282
2. 37–039–20592–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Walter Foltz #1 (W–32)
6. Athens
7. Crawford PA
8. 40.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26254/4283
2. 37–039–20648–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. George & Maxwell Clark #2 (W—36)
6. Athens
7. Crawford PA
8. 26.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26255/4284
2. 37–039–20653–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Theodore S Bogardus #6 (W–38)
6. Athens

7. Crawford PA
8. 55.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26256/4285
2. 37–039–20610–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. William D Bradley #1 (W–17)
6. Athens
7. Crawford PA
8. 45.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26257/4286
2. 37–039–20656–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. James K & Helen Anderson #3 (W—39)
6. Athens
7. Crawford PA
8. 30.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26258/4287
2. 37–039–20611–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Theodore S Bogardus #3 (W–18)
6. Athens
7. Crawford Pa
8. 123.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26259/4288
2. 37–039–20575–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Troy C Ehrhart #1 (W–11)
6. Athens
7. Crawford Pa
8. 100.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26260/4289
2. 37–039–20612–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Theodore S Bogardus #2 (W–13)
6. Athens
7. Crawford Pa
8. 33.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26261/4290
2. 37–039–20580–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. R Maxwell Clark & Geo Clark #1 (W–14)
6. Athens
7. Crawford Pa
8. 120.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26262/4291
2. 37–039–20581–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Franklyn A & Helene S Boyd #1 (W–15)
6. Athens
7. Crawford Pa
8. 24.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26263/4292
2. 37–039–20595–0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Edward Mills #1 (W–19)
6. Athens
7. Crawford Pa
8. 10.0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26264/4293
2. 37–049–20625–0000
3. 102 000 000
4. Reliance Management Co
5. Gordon Ward #1 669
6. Le Boeuf Township
7. Erie Pa
8. .0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26265/4294
2. 37–049–20624–0000
3. 102 000 000
4. Reliance Management Co
5. Donald Geertson #1 673
6. Union Township
7. Erie Pa
8. .0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26266/4295
2. 37–049–20893–0000
3. 102 000 000
4. Union Drilling Inc
5. Robert and Betty Shreve #1 670
6. Union Township
7. Erie Pa
8. .0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26267/4296
2. 37–049–20892–0000
3. 102 000 000
4. Union Drilling Inc
5. Joe & Chester Zombeck #1 671
6. Union Township
7. Erie Pa
8. .0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26269/4298
2. 37–049–20902–0000
3. 102 000 000
4. Union Drilling Inc
5. Frank & Patricia Pollock #1 668
6. Union Township
7. Erie Pa
8. .0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

1. 80–26270/4313
2. 37–129–00000–0000
3. 108 000 000
4. Weir Walker
5. W S Martin No 1
6. Turkey Hollow Field
7. Westmoreland Pa
8. 7.0 million cubic feet
9. April 10, 1980
10. The Peoples Natural Gas Co

1. 80–26268/4297
2. 37–049–20903–0000
3. 102 000 000
4. Union Drilling Inc
5. Carlton & Phylliss Pattison #1 666
6. Union Township
7. Erie Pa
8. .0 million cubic feet
9. April 10, 1980
10. Columbia Gas Transmission Corp

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26285
2. 47–047–00153–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 82–1429
6.
7. McDowell WV
8. 12.6 million cubic feet
9. April 9, 1980
10.

1. 80–26286
2. 47–047–00134–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 78–1392
6.
7. McDowell WV
8. 3.7 million cubic feet
9. April 9, 1980
10.

1. 80–26287
2. 47–047–00131–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 75–1389
6.
7. McDowell WV
8. 1.1 million cubic feet
9. April 9, 1980
10.

1. 80–26288
2. 47–047–00127–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 74–1387
6.
7. McDowell WV
8. 9.4 million cubic feet
9. April 9, 1980
10.

1. 80–26289
2. 47–047–00126–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 73–1386
6.
7. McDowell WV
8. 1.5 million cubic feet
9. April 9, 1980
10.

1. 80–26290
2. 47–047–00125–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 71–1384
6.
7. McDowell WV
8. 15.9 million cubic feet

9. April 9, 1980
10.
1. 80–26291
2. 47–047–00122–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 69–1380
6.
7. McDowell WV
8. 10.2 million cubic feet
9. April 9, 1980
10.
1. 80–26292
2. 47–047–00121–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 68–1379
6.
7. McDowell WV
8. 4.6 million cubic feet
9. April 9, 1980
10.
1. 80–26293
2. 47–047–00120–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 67–1378
6.
7. McDowell WV
8. 4.6 million cubic feet
9. April 9, 1980
10.
1. 80–26294
2. 47–047–00119–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 66–1377
6.
7. McDowell WV
8. 3.2 million cubic feet
9. April 9, 1980
10.
1. 80–26295
2. 47–047–00118–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 65–1376
6.
7. McDowell WV
8. 3.5 million cubic feet
9. April 9, 1980
10.
1. 80–26296
2. 47–047–00108–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 61–1371
6.
7. McDowell WV
8. 7.6 million cubic feet
9. April 9, 1980
10.
1. 80–26297
2. 47–047–00361–0000
3. 108 000 000
4. Cabot Corp
5. Red Ash-Tug Fork 4–1586
6.
7. McDowell WV
8. 21.0 million cubic feet
9. April 9, 1980
10.
1. 80–26298
2. 47–047–00336–0000
3. 108 000 000
4. Cabot Corp
5. Tug Fork 4–1582
6.
7. McDowell WV
8. 17.8 million cubic feet
9. April 9, 1980
10.
1. 80–26299
2. 47–047–00081–0000
3. 108 000 000
4. Cabot Corp
5. Bankers Pocahontas 3–1341
6.
7. McDowell WV
8. 4.3 million cubic feet
9. April 9, 1980
10.
1. 80–26300
2. 47–047–00085–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 48–1344
6.
7. McDowell WV
8. 1.2 million cubic feet
9. April 9, 1980
10.
1. 80–26301
2. 47–047–00086–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 47–1343
6.
7. McDowell WV
8. 9.4 million cubic feet
9. April 9, 1980
10.
1. 80–26302
2. 47–047–00089–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 49–1350
6.
7. McDowell WV
8. 8.8 million cubic feet
9. April 9, 1980
10.
1. 80–26303
2. 47–047–00090–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 50–1351
6.
7. McDowell WV
8. 5.8 million cubic feet
9. April 9, 1980
10.
1. 80–26304
2. 47–047–00091–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 51–1352
6.
7. McDowell WV
8. 5.2 million cubic feet
9. April 9, 1980
10.
1. 80–26305
2. 47–047–00094–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 54–1355
6.
7. McDowell WV
8. 4.0 million cubic feet
9. April 9, 1980
10.
1. 80–26306
2. 47–047–00095–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 55–1356
6.
7. McDowell WV
8. 5.7 million cubic feet
9. April 9, 1980
10.
1. 80–26307
2. 47–047–00098–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 56–1358
6.
7. McDowell WV
8. 11.1 million cubic feet
9. April 9, 1980
10.
1. 80–26308
2. 47–047–00102–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 58–1365
6.
7. McDowell WV
8. 12.3 million cubic feet
9. April 9, 1980
10.
1. 80–26309
2. 47–047–00104–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 57–1359
6.
7. McDowell WV
8. 11.4 million cubic feet
9. April 9, 1980
10.
1. 80–26310
2. 47–047–00105–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 60–1367
6.
7. McDowell WV
8. 1.3 million cubic feet
9. April 9, 1980
10.
1. 80–26311
2. 47–047–00109–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 63–1373
6.
7. McDowell WV
8. 14.8 million cubic feet
9. April 9, 1980
10.
1. 80–26312
2. 47–047–00112–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 62–1372
6.
7. McDowell WV
8. 4.5 million cubic feet
9. April 9, 1980
10.
1. 80–26313

2. 47–047–00080–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 46–1339
6.
7. McDowell WV
8. 7.2 million cubic feet
9. April 9, 1980
10.

1. 80–26314
2. 47–047–00079–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 45–1388
6.
7. McDowell WV
8. 9.1 million cubic feet
9. April 9, 1980
10.

1. 80–26315
2. 47–047–00077–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 44–1337
6.
7. McDowell WV
8. 6.5 million cubic feet
9. April 9, 1980
10.

1. 80–26316
2. 47–047–00076–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 43–1332
6.
7. McDowell WV
8. 4.2 million cubic feet
9. April 9, 1980
10.

1. 80–26317
2. 47–047–00071–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 40–1326
6.
7. McDowell WV
8. 5.1 million cubic feet
9. April 9, 1980
10.

1. 80–26318
2. 47–047–00070–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 39–1325
6.
7. McDowell WV
8. 7.0 million cubic feet
9. April 9, 1980
10.

1. 80–26319
2. 47–047–00044–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 26–1295
6.
7. McDowell WV
8. 3.4 million cubic feet
9. April 9, 1980
10.

1. 80–26320
2. 47–047–00045–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 27–1296
6.
7. McDowell WV
8. 4.5 million cubic feet
9. April 9, 1980
10.

1. 80–26321
2. 47–047–00055–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 30–1308
6.
7. McDowell WV
8. 2.3 million cubic feet
9. April 9, 1980
10.

1. 80–26322
2. 47–047–00056–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 33–1311
6.
7. McDowell WV
8. 3.6 million cubic feet
9. April 9, 1980
10.

1. 80–26323
2. 47–047–00057–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 34–1312
6.
7. McDowell WV
8. 7.2 million cubic feet
9. April 9, 1980
10.

1. 80–26324
2. 47–047–00058–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 31–1309
6.
7. McDowell WV
8. 11.7 million cubic feet
9. April 9, 1980
10.

1. 80–26325
2. 47–047–00059–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 32–1310
6.
7. McDowell WV
8. 11.4 million cubic feet
9. April 9, 1980
10.

1. 80–26326
2. 47–047–00066–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 37–1321
6.
7. McDowell WV
8. 10.9 million cubic feet
9. April 9, 1980
10.

1. 80–26327
2. 47–047–00067–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 38–1322
6.
7. McDowell WV
8. 9.1 million cubic feet
9. April 9, 1980
10.

1. 80–26328
2. 47–047–00068–0000
3. 108 000 000
4. Cabot Corp
5. Bankers Pocahontas 2–1324
6.
7. McDowell WV
8. 10.1 million cubic feet
9. April 9, 1980
10.

1. 80–26329
2. 47–039–02901–0000
3. 108 000 000
4. Cabot Corp
5. Imperial Coal Co 2–351
6.
7. Kanawha WV
8. 2.2 million cubic feet
9. April 9, 1980
10.

1. 80–26330
2. 47–039–02902–0000
3. 108 000 000
4. Cabot Corp
5. Imperial Coal Co 3–358
6.
7. Kanawha WV
8. .1 million cubic feet
9. April 9, 1980
10.

1. 80–26331
2. 47–039–02905–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 20–643
6.
7. Kanawha WV
8. 3.3 million cubic feet
9. April 9, 1980
10.

1. 80–26332
2. 47–039–02906–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 21–644
6.
7. Kanawha WV
8. 2.2 million cubic feet
9. April 9, 1980
10.

1. 80–26333
2. 47–039–02907–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 22–645
6.
7. Kanawha WV
8. .1 million cubic feet
9. April 9, 1980
10.

1. 80–26334
2. 47–039–02908–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 23–646
6.
7. Kanawha WV
8. .7 million cubic feet
9. April 9, 1980
10.

1. 80–26335
2. 47–039–02910–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 25–648
6.

7. Kanawha WV
8. 1.4 million cubic feet
9. April 9, 1980
10.

1. 80–26336
2. 47–039–02911–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 27–650
6.
7. Kanawha WV
8. .1 million cubic feet
9. April 9, 1980
10.

1. 80–26337
2. 47–039–02912–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 28–651
6.
7. Kanawha WV
8. 1.1 million cubic feet
9. April 9, 1980
10.

1. 80–26338
2. 47–039–02913–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 29–652
6.
7. Kanawha WV
8. .3 million cubic feet
9. April 9, 1980
10.

1. 80–26339
2. 47–039–02914–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 30–653
6.
7. Kanawha WV
8. 1.4 million cubic feet
9. April 9, 1980
10.

1. 80–26340
2. 47–039–02915–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 31–654
6.
7. Kanawha WV
8. 2.3 million cubic feet
9. April 9, 1980
10.

1. 80–26341
2. 47–039–02919–0000
3. 108 000 000
4. Cabot Corp
5. Robson 1–374
6.
7. Kanawha WV
8. .2 million cubic feet
9. April 9, 1980
10. Southern Public Service Co

1. 80–26342
2. 47–039–02920–0000
3. 108 000 000
4. Cabot Corp
5. Sheltering Arms 1–382
6.
7. Kanawha WV
8. 1.7 million cubic feet
9. April 9, 1980
10. Southern Public Service Co

1. 80–26343
2. 47–039–02922–0000
3. 108 000 000
4. Cabot Corp
5. Wm N McConiway 1–213
6.
7. Kanawha WV
8. 2.7 million cubic feet
9. April 9, 1980
10.

1. 80–26344
2. 47–039–02923–0000
3. 108 000 000
4. Cabot Corp
5. Enos Moore 1–171
6.
7. Kanawha WV
8. 1.5 million cubic feet
9. April 9, 1980
10.

1. 80–26345
2. 47–039–02924–0000
3. 108 000 000
4. Cabot Corp
5. J Moore 1–186
6.
7. Kanawha WV
8. 1.8 million cubic feet
9. April 9, 1980
10.

1. 80–26346
2. 47–039–02925–0000
3. 108 000 000
4. Cabot Corp
5. J Moore 2–413
6.
7. Kanawha WV
8. 1.4 million cubic feet
9. April 9, 1980
10.

Wyoming Oil and Gas Conservation Commission

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 80–26357/NG–257–79
2. 49–041–20185–0000
3. 102 000 000
4. Amoco Production Co
5. Amoco Cities #1
6. Yellow Creek
7. Uinta WY
8. 500.0 million cubic feet
9. April 10, 1980
10. Mountain Fuel Supply Co

1. 80–26358/NG–260–79
2. 49–009–20185–0000
3. 103 000 000
4. Chinook Resources Inc
5. Chas Irwin 1–12 21446
6. Don Draw
7. Converse WY
8. 15.0 million cubic feet
9. April 10, 1980
10. Inexco Oil Co

1. 80–26359/NG–261–79
2. 49–009–21335–0000
3. 103 000 000
4. Chinook Resources Inc
5. Hall 1–12 21335
6. Don Draw Field
7. Converse WY
8. 2.0 million cubic feet
9. April 10, 1980
10. Inexco Oil Co

1. 80–26360/NG–262–79
2. 49–009–21254–0000
3. 103 000 000
4. Chinook Resources Inc
5. Reese #2–24 21254
6. Flat Top
7. Converse WY
8. 6.0 million cubic feet
9. April 10, 1980
10. Kansas Nebraska Natural Gas Co Inc

1. 80–26361/NG–307–79
2. 49–009–21502–0000
3. 102 000 000
4. Chinook Resources Inc
5. L E T 1–29 #21502
6. Scott Field
7. Converse WY
8. 3.0 million cubic feet
9. April 10, 1980
10. McCulloch Gas Processing Corp

1. 80–26362/NG–8–80
2. 49–037–20864–0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 355 Amoco A #1
6. Pipeline Crossing
7. Sweetwater WY
8. 120.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80–26363/NG–9–80
2. 49–037–20865–0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 356 Amoco A #1
6. Pipeline Crossing
7. Sweetwater WY
8. 62.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80–26364/NG–14–80
2. 49–023–20269–0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 285 Amoco C #1
6. Fabian Ditch
7. Lincoln WY
8. 800.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80–26365/NG–15–80
2. 49–023–20160–0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 285 Amoco A #1A
6. Fabian Ditch
7. Lincoln WY
8. 300.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80–26366/NG–17–80
2. 49–037–20863–0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 359 Amoco A #1
6. Wild Hare Gulch
7. Sweetwater WY
8. 292.0 million cubic feet

9. April 10, 1980
10. Cities Service Gas Co
1. 80-26367/NG-18-80
2. 49-037-20772-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 253 Amoco A #1
6. Wild Hare Gulch
7. Sweetwater WY
8. 60.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26368/NG-27-80
2. 49-007-20494-0000
3. 103 000 000
4. Sinclair Oil Corp
5. Sinclair Hamilton State 36-1
6. Blue Gap
7. Carbon WY
8. 91.0 million cubic feet
9. April 10, 1980
10. Colorado Interstate Gas Co
1. 80-26369/NG-28-80
2. 49-007-20438-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 222 Amoco C #1
6. Echo Springs
7. Carbon WY
8. 905.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26370/NG-29-80
2. 49-007-20439-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 242 Amoco J #1
6. Echo Springs
7. Carbon WY
8. 1120.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26371/NG-30-80
2. 49-007-20436-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 222 Amoco D #1
6. Echo Springs
7. Carbon WY
8. 416.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26372/NG-31-80
2. 49-023-20261-0000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes Unit No. 18
6. Whiskey Buttes Unit
7. Lincoln WY
8. 200.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26373/NG-32-80
2. 49-023-20260-0000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes Unit #21
6. Whiskey Buttes Unit
7. Lincoln WY
8. 300.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26374/NG-33-80
2. 49-007-20451-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 226 Amoco G #1
6. Standard Draw
7. Carbon WY
8. 900.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26375/NG-158-79
2. 49-023-20132-0000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes Unit #2
6. Whiskey Buttes
7. Lincoln WY
8. 730.0 million cubic feet
9. April 10, 1980
10.
1. 80-26376/NG-271-79
2. 49-041-20221-0000
3. 102 000 000
4. Amoco Production Co
5. Jack A Moon #1
6. Yellow Creek
7. Uinta WY
8. 800.0 million cubic feet
9. April 10, 1980
10. Mountain Fuel Supply Co
1. 80-26377/NG-272-79
2. 49-041-20220-0000
3. 102 000 000
4. Amoco Production Co
5. Burton Hollow #1
6. Yellow Creek
7. Uinta WY
8. 955.0 million cubic feet
9. April 10, 1980
10. Mountain Fuel Supply Co
1. 80-26378/NG-293-79
2. 49-041-20247-0000
3. 102 000 000
4. Amoco Production Co
5. Amoco Cities B #1
6. Yellow Creek
7. Uinta WY
8. 1000.0 million cubic feet
9. April 10, 1980
10. Mountain Fuel Supply Co
1. 80-26379/NG-294-79
2. 49-041-20233-0000
3. 102 000 000
4. Amoco Production Co
5. Burton Hollow #2
6. Yellow Creek
7. Uinta WY
8. 1000.0 million cubic feet
9. April 10, 1980
10. Mountain Fuel Supply Co
1. 80-26380/NG-289-79
2. 49-041-20206-0000
3. 102 000 000
4. Cities Service Co
5. Carpenter A #1
6. Yellow Creek
7. Uinta WY
8. 2600.0 million cubic feet
9. April 10, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-26381/NG-292-79
2. 49-037-21324-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Jamieson A #1
6. Nitchie Gulch
7. Sweetwater WY
8. 365.0 million cubic feet
9. April 10, 1980
10. Mountain Fuel Supply Co
1. 80-26382/NG-295-79
2. 49-007-20258-0000
3. 102 000 000
4. Amoco Production Co
5. Coal Gulch Unit A #1
6. Coal Gulch
7. Carbon WY
8. 50.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26383/NG-296-79
2. 49-013-20382-0000
3. 108 000 000
4. J M Huber Corp
5. Davidson No. 6-1
6. Poison Creek
7. Fremont WY
8. 15.0 million cubic feet
9. April 10, 1980
10. Montana-Dakota Utilities Co
1. 80-26384/NG-302-79
2. 49-007-20368-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 444 Amoco B #1
6. Wildrose
7. Carbon WY
8. 1.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26385/NG-305-79
2. 49-009-20500-0000
3. 108 000 000
4. Oilfield Salvage & Service
5. Pennington #1
6. Wall Draw
7. Converse WY
8. 17.0 million cubic feet
9. April 10, 1980
10. Phillips Petroleum Co
1. 80-26386/NG-315-79
2. 49-237-20841-0000
3. 102 000 000
4. Amoco Production Co
5. Seven Mile Gulch unit #3
6. Seven Mile Gulch unit
7. Sweetwater WY
8. 292.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26387/NG-319-79
2. 49-023-20159-0000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes unit #4
6. Whiskey Buttes unit
7. Lincoln WY
8. 300.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26388/NG-320-79
2. 49-023-20313-0000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes unit #24
6. Whiskey Buttes unit
7. Lincoln WY
8. 340.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co
1. 80-26389/NG-321-79

2. 49-023-20257-000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes unit #13
6. Whiskey Buttes unit
7. Lincoln WY
8. 600.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80-26390/NG-322-79
2. 49-023-20241-000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes unit No 8
6. Whiskey Buttes unit
7. Lincoln WY
8. 150.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80-26391/NG-323-79
2. 49-007-20337-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 278 Amoco A #2
6. Standard Draw
7. Carbon WY
8. 176.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80-26392/NG-16-80
2. 49-037-21341-0000
3. 102 000 000
4. Amoco Production Company
5. Champlin 285 Amoco E #1
6. Fabian Ditch
7. Sweetwater WY
8. 30.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

1. 80-26393/NG-34-80
2. 49-037-20773-0000
3. 102 000 000
4. Amoco Production Co
5. Seven Mile Gulch unit #1
6. Seven Mile Gulch unit
7. Sweetwater WY
8. 110.0 million cubic feet
9. April 10, 1980
10. Cities Service Gas Co

United States Geological Survey, Metairie, Louisiana

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-26400/G9-509
2. 17-705-40279-0000-0
3. 102 000 000 denied
4. Superior Oil Co
5. OCS-G-2074 A-9-D
6. Vermilion
7. 182
8. 92.0 million cubic feet
9. April 10, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80-26401/G9-1029
2. 17-706-40352-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. Vermilion 261 A-6
6. Vermilion
7. 261
8. 5275.0 million cubic feet
9. April 10, 1980
10. Tennessee Gas Pipeline Co

1. 80-26402/G9-1030
2. 17-706-40346-0000-0
3. 102 000 000
4. Tenneco Oil Co
5. Vermilion 261 A-5
6. Vermilion
7. 261
8. 5275.0 million cubic feet
9. April 10, 1980
10. Tennessee Gas Pipeline Co

1. 80-26403/G9-1111
2. 17-705-40364-0000-0
3. 107 000 000
4. McMoran Offshore Exploration Co
5. OCS-G-3390 #9
6. Vermilion
7. 25
8. 5475.0 million cubic feet
9. April 10, 1980
10. Transcontinental Gas Pipeline Corp

1. 80-26404/G9-1112
2. 17-703-40177-0100-0
3. 102 000 000
4. Union Oil Co of California
5. OCS-G-3530 No 2
6. East Cameron
7. 58
8. 1500.0 million cubic feet
9. April 10, 1980
10. Tennessee Gas Pipeline Co

1. 80-26405/G9-1126
2. 17-711-40433-0000-0
3. 102 000 000
4. Kerr-McGee Corp
5. OCS G-1528 No 4
6. Ship Shoal
7. 233
8. 1400.0 million cubic feet
9. April 10, 1980
10. Transcontinental Gas Pl Corp

1. 80-26417/G9-1186
2. 17-705-40375-0000-0
3. 107 000 000
4. McMoran Offshore Exploration Co
5. OCS-G 3390 #13
6. Vermilion
7. 25
8. 5475.0 million cubic feet
9. April 10, 1980
10. Transcontinetal Gas Pl Corp

United States Geological Survey, Metairie, Louisiana

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-26406/G9-1134
2. 42-709-40207-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2696 #A-1
6. High Island Area—South Add
7. A-531
8. 150.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26407/G9-1137
2. 42-709-40183-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2696 #A-3
6. High Island Area—South Addition
7. A-531
8. 300.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26408/G9-1139
2. 42-709-40240-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2696 #A-4
6. High Island Area—South Addition
7. A-531
8. 300.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26409/G9-1141
2. 42-709-40273-0100-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G2696 #A-10
6. High Island Area—South Addition
7. A-531
8. 3000.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26410/G9-1142
2. 42-709-40311-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2696 #A-11
6. High Island Area—South Addition
7. A-531
8. 150.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26411/G9-1144
2. 42-709-40322-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2696 #A-13
6. High Island Area—South Addition
7. A-531
8. 225.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26412/G9-1148
2. 42-709-40301-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2698 #C-3
6. High Island Area—South Addition
7. A-537
8. 300.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26413/G9-1151
2. 42-709-40353-0000-0
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2698 #C-6
6. High Island Area—South Addition
7. A-537
8. 225.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

1. 80-26414/G9-1152
2. 42-709-40382-0000-1
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2698 #C-7
6. High Island Area—South Addition
7. A-537
8. 1500.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co

United States Geological Survey, Metairie, Louisiana

1. 80-26415/G9-1153
2. 42-709-40382-0000-2
3. 102 000 000
4. Amoco Production Co
5. OCS-G-2698 #C-7D
6. High Island Area—South Addition
7. A-537
8. 150.0 million cubic feet
9. April 10, 1980
10. Northern Natural Gas Co
1. 80-26416/G9-1175
2. 42-711-40342-0000-0
3. 102 000 000
4. Aminoil Development Inc
5. OCS G-2412A-4 Sidetrack
6. High Island A-317
7. A-317
8. 1100.0 million cubic feet
9. April 10, 1980
10. Natural Gas Pipeline Co of America

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 27, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 80-14531 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-01-M

[No. 192]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 5, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Oklahoma Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-27988/02898
2. 35-009-20241-0000
3. 103 000 000
4. H A Chapman
5. White No 1
6. South Erick
7. Beckahm OK
8. 45.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-27915/COA-5055-79
2. 05-067-06129-0000-0
3. 103 000 000
4. Supron Energy Corp
5. Virbeth 1-A
6. Ignacio Blanco Mesaverde
7. La Plata CO
8. 107.0 million cubic feet
9. April 18, 1980
10. Northern Natural Gas Co

1. 80-27916/COA-5054-79
2. 05-067-06130-0000-0
3. 103 000 000
4. Supron Energy Corp
5. Ute 11
6. Ignacio Blanco Mesaverde
7. La Plata CO
8. 103.0 million cubic feet
9. April 18, 1980
10. Northern Natural Gas Co

1. 80-27940/COA-5065-79
2. 05-067-06237-0000-0
3. 103 000 000
4. Arco Oil & Gas Co
5. Southern Ute 11-2 32-8
6. Ignacio Blanco (MV)
7. La Plata CO
8. .0 million cubic feet
9. April 18, 1980
10. Western Slope Gas Co

1. 80-27956/COA-4889-79
2. 05-067-05420-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Ignacio 33-7 #11
6. Ignacio Dakota-Mesaverde
7. La Plata CO
8. 2.5 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-27964/COA-5075-79
2. 05-067-06307-0000-0
3. 103 000 000
4. Lynco Oil Corp
5. Gaines Ute #2
6. Ignacio Blanco Dakota
7. La Plata CO
8. 300.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Co, Northwest Pipeline Corp

1. 80-27974/COA-5036-79-A
2. 05-067-06254-0000-0
3. 103 000 000
4. Arco Oil & Gas Co
5. Southern Ute 15-2 32-9 (Dual MV)
6. Ignacio Blanco (MV)
7. La Plata CO
8. 300.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp

1. 80-27975/COA-5036-79-B
2. 05-067-06254-0000-0
3. 103 000 000
4. Arco Oil & Gas Co
5. Southern Ute 15-2 32-9 (Dual PC)
6. Ignacio Blanco (Pictured Cliffs)
7. La Plata CO
8. .0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp

1. 80-27977/COA-5037-79
2. 05-067-06092-0000-0
3. 103 000 000
4. Arco Oil & Gas Co
5. Southern Ute 15-1 32-9 (MV)
6. Ignacio Blanco—MV
7. La Plata CO
8. 400.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-27886/NM-4364-79A
2. 30-025-26393-0000-1
3. 103 000 000
4. Conoco Inc
5. Burger B-20 No 1 (Warren Tubb)
6. NMFU—Warren A Tubb Oil
7. Lea NM
8. 38.0 million cubic feet
9. April 18, 1980
10. Warren Petroleum Co

1. 80-27887/NM 4364-79B
2. 30-025-26393-0000-2
3. 103 000 000
4. Conoco Inc
5. Burger B-20 No 1 (Blinebry)
6. NMFU Blinebry Oil & Gas
7. Lea NM
8. 50.0 million cubic feet
9. April 18, 1980
10. Warren Petroleum Co

1. 80-27888/NM-4068-79
2. 30-039-05892-0000-0
3. 108 000 000
4. Amerada Hess Corp

5. Jicarilla Apache A #3 (Dual-Gas)
6. Otero
7. Rio Arriba NM
8. 18.8 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27889/NM-4190-79
2. 30-045-22742-0000-0
3. 108 000 000
4. J G Merrion & R L Bayless
5. Hugh Lake #1
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. 10.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27890/NM 4359-79
2. 30-025-26267-0000-0
3. 103 000 000
4. Conoco Inc
5. Stevens B-35 No 1
6. NMFU-Langlie Mattix 7-Rivers Queen
7. Lea NM
8. 16.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27891/NM-4353-79
2. 30-025-26257-0000-0
3. 103 000 000
4. Conoco Inc
5. Bell Lake Unit No 19
6. Bell Lake Morrow So (Gas)
7. Lea NM
8. 122.0 million cubic feet
9. April 18, 1980
10. Transwestern Pipeline Co

1. 80-27892/NM-4437-79-1
2. 30-015-22930-0000-0
3. 102 000 000
4. General American Oil Co of Texas
5. Green B #9
6. South Empire Morrow
7. Eddy NM
8. 1825.0 million cubic feet
9. April 18, 1980
10. Transwestern Pipeline Co

1. 80-27893/NM 4645-79
2. 30-015-22682-0000-0
3. 102 000 000
4. Perry R Bass
5. Big Eddy Unit No 66
6. Undesignated Morrow
7. Eddy County NM
8. 219.0 million cubic feet
9. April 18, 1980
10. Natural Gas Pipeline Co of America

1. 80-27894/NM-4714-79
2. 30-045-23088-0000-0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Bianco Unit No 3-A
6. Blanco Mesaverde NW 5-30N-7W
7. San Juan NM
8. 300.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27895/NM-4715-79
2. 30-045-23483-0000-0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. Ne Blanco Unit No 64-A
6. Blanco Mesaverde SE 10-31N-7W
7. San Juan NM
8. 150.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27896/NM-4719-79
2. 30-045-23091-0000-0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. Ne Blanco Unit No 51-A
6. Blanco Mesaverde NW 29-31N-7W
7. San Juan NM
8. 250.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27897/NM-4818-79
2. 30-015-05376-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett A #13
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27898/NM-4819-79
2. 30-015-05374-0000-0
3. 108 000 000
4. William A and Edward R Hudson
5. Puckett A #2
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27899/NM-4820-79
2. 30-015-05135-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett A #14
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27900/NM-5039-79
2. 30-015-22908-0000-0
3. 103 000 000
4. Yates Petroleum Corp
5. Superior KJ Federal Com No 1
6. Wildcat
7. Eddy NM
8. .0 million cubic feet
9. April 18, 1980
10. Transwestern Pipeline Co

1. 80-27901/NM-4827-79
2. 30-015-05377-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett B #3
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27902/NM-4828-79
2. 30-015-05400-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett B #10
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27903/NM-4826-79
2. 30-015-05373-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett B #1
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27904/NM-4825-79
2. 30-015-10303-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett A #25
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27905/NM-5032-79
2. 30-045-22658-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Hanlad Federal #2
6. Waw-Nipp
7. San Juan NM
8. 198.8 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Natural Gas Pipeline Co of America

1. 80-27906/NM-5031-79
2. 30-045-23526-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Dome Federal 14-26-13 #2
6. Waw-Nipp
7. San Juan NM
8. 596.4 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27907/NM-5030-79
2. 30-045-23525-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Dome Federal 14-26-13 #3
6. Waw-Nipp
7. San Juan NM
8. 177.8 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27908/NM-5062-79
2. 30-025-26176-0000-0
3. 103 000 000
4. Gulf Oil Corp
5. C E Lamunyon #48
6. Teague ABO
7. Lea NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27909/NM-5029-79
2. 30-045-23303-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Dome Federal 24-26-13 #3
6. Waw-Nipp
7. San Juan NM
8. 90.2 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27910/NM-5028-79
2. 30-045-22653-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #13
6. Waw-Nipp
7. San Juan NM

8. 78.1 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Natural Gas Pipeline Co of America
1. 80-27911/NM-5027-79
2. 30-045-22652-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #14
6. Waw-Nipp
7. San Juan NM
8. 141.3 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Natural Gas Pipeline Co of America
1. 80-27912/NM-5026-79
2. 30-045-23530-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #10
6. Waw-Nipp
7. San Juan NM
8. 246.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Natural Gas Pipeline Co of America
1. 80-27913/NM-5025-79
2. 30-045-23524-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Frew Federal #15
6. Waw-Nipp
7. San Juan NM
8. 63.2 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Natural Gas Pipeline Co of America
1. 80-27914/NM-5024-79
2. 30-045-23301-0000-0
3. 103 000 000
4. Dome Petroleum Corp
5. Dome Federal 14-26-13 #1
6. Waw-Nipp
7. San Juan NM
8. 380.7 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Natural Gas Pipeline Co of America
1. 80-27917/NM-5044-79
2. 30-039-21428-0000-0
3. 108 000 000
4. Conoco Inc
5. Axi Apache O No 13
6. Axi Apache Area
7. Rio Arriba NM
8. 18.6 million cubic feet
9. April 18, 1980
10. Gas Co of New Mexico
1. 80-27918/NM-504-3-79
2. 30-039-21349-0000-0
3. 108 000 000
4. Conoco Inc
5. Axi Apache J No 27
6. Axi Apache Area
7. Rio Arriba NM
8. 15.5 million cubic feet
9. April 18, 1980
10. Gas Co of New Mexico
1. 80-27919/NM-5042-79
2. 30-039-21434-0000-0
3. 108 000 000
4. Conoco Inc
5. Axi Apache O No 15
6. Axi Apache Area
7. Rio Arriba NM
8. 10.8 million cubic feet
9. April 18, 1980
10. Gas Co of New Mexico
1. 80-27920/NM-5040-79
2. 30-039-21545-0000-0
3. 108 000 000
4. Conoco Inc
5. Axi Apache J No 29
6. Axi Apache Area
7. Rio Arriba NM
8. 11.3 million cubic feet
9. April 18, 1980
10. Gas Co of New Mexico
1. 80-27921/NM-3236-79
2. 30-045-10568-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. S/J 32-8 Unit #1
6. Blanco
7. San Juan NM
8. 12.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co
1. 80-27922/NM-3047-79-1
2. 30-045-22777-0000-0
3. 103 000 000
4. Amoco Production Co
5. W D Heath A #2A
6. Blanco Mesaverde
7. San Juan NM
8. 165.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80-27923/NM-4887-79-1
2. 30-045-21105-0000-0
3. 108 000 000
4. Amoco Production Co
5. Ute Mountain Tribal D #7
6. Ute Dome—Dakota
7. San Juan NM
8. 6.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80-27924/NM-4886-79-1
2. 30-039-21329-0000-0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Apache 102 #21
6. Tapacito—Pictured Cliffs
7. Rio Arriba NM
8. 21.0 million cubic feet
9. April 18, 1980
10. Gas Co of New Mexico
1. 80-27925/NM-4871-79
2. 30-039-22028-0000-0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Blanco Unit No 7-A
6. Blanco Mesaverde SE21-30N-7W
7. Rio Arriba NM
8. 350.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80-27926/NM-4870-79
2. 30-039-22027-0000-0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Blanco Unit No 19-A
6. Blanco Mesaverde SE20-30N-7W
7. Rio Arriba NM
8. 400.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80-27927/NM-4869-79
2. 30-039-22029-0000-0
3. 103 000 000
4. Blackwood & Nichols Co Ltd
5. NE Blanco Unit No 6-A
6. Blanco Mesaverde NW 29-30N-7W
7. Rio Arriba NM
8. 450.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80-27928/NM-4832-79
2. 30-015-10478-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett B #23
6. Maliamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co
1. 80-27929/NM-4831-79
2. 30-015-05407-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett B #17
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co
1. 80-27930/NM-4830-79
2. 30-015-05406-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett B #16
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co
1. 80-27931/NM-4829-79
2. 30-015-05405-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett B #15
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co
1. 80-27933/NM-4823-79
2. 30-015-05137-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett A #17
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co
1. 80-27934/NM-4824-79
2. 30-015-10302-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett A #24
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co
1. 80-27935/NM-4822-79
2. 30-015-05389-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett A #16
6. Maljamar

7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27936/NM-4821-79
2. 30-015-05136-0000-0
3. 108 000 000
4. William A & Edward R Hudson
5. Puckett A #15
6. Maljamar
7. Eddy NM
8. 1.0 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co

1. 80-27937/NM-3394-79
2. 30-039-21596-0000-0
3. 103 000 000
4. Amoco Production Co
5. Valencia Canyon Unit #18
6. Choza Mesa
7. Rio Arriba NM
8. 35.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27938/NM-3261-79
2. 30-045-11329-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. S/J 32-8 Unit #9
6. Blanco
7. San Juan NM
8. 9.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-27939/NM-5064-79-1
2. 30-025-26352-0000-0
3. 103 000 000
4. Gulf Oil Corp
5. Vandiver Federal Com #1
6. Undesignated North Lusk Morrow
7. Lea NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27941/NM-5066-79
2. 30-039-21499-0000-0
3. 103 000 000
4. Consolidated Oil & Gas Inc
5. Tribal C No 9-A
6. Wild Horse—Gallup
7. Rio Arriba NM
8. 7.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp

1. 80-27942/NM-5067-79
2. 30-039-21710-0000-0
3. 108 000 000
4. Odessa Natural Corp
5. Jicarilla JV PC No 101
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27943/NM-5069-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Odessa Natural Corp
5. Little Federal No. 3
6. Basin Dakota
7. San Juan NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27944/NM-5072-79
2. 30-039-21405-0000-0
3. 108 000 000
4. Odessa Natural Corp
5. Jicarilla JV PC No 102
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27945/NM-4995-79
2. 30-025-02459-0000-0
3. 108 000 000
4. Phillips Petroleum Co
5. Cruces No 3
6. Lynch-Yates
7. Lea NM
8. 2.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27946/NM-5010-79
2. 30-045-06930-0000-0
3. 108 000 000
4. Depco Inc
5. Hancock #10
6. West Kutz—Pictured Cliffs
7. San Juan NM
8. 16.0 million cubic feet
9. April 18, 1980
10. Gas Co of New Mexico

1. 80-27947/NM-4996-79
2. 30-025-26126-0000-0
3. 103 000 000
4. Marathon Oil Co
5. C J Saunders No 3
6. Drinkard (Undesignated)—Blinebry
7. Lea NM
8. 50.0 million cubic feet
9. April 18, 1980
10. Getty Oil Co

1. 80-27948/NM-5006-79
2. 30-045-23436-0000-0
3. 103 000 000
4. Hixon Development Co
5. Federal C No 6
6. Wildcat—Farmington Sand
7. San Juan NM
8. 1.1 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27949/NM-5011-79
2. 30-045-06926-0000-0
3. 108 000 000
4. Depco Inc
5. Hancock #5
6. West Kutz—Pictured Cliffs
7. San Juan NM
8. 19.0 million cubic feet
9. April 18, 1980
10. Gas of New Mexico

1. 80-27950/NM-5019-79
2. 30-015-20059-0000-0
3. 102 000 000
4. Yates Petroleum Corp
5. Hillard BF Federal No 1-Y
6. Indian Basin-Morrow East
7. Eddy NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27951/NM-5020-79
2. 30-039-22094-0000-0
3. 103 000 000
4. Energy Reserves Group Inc
5. Jicarilla 35 #10
6. Otero-Gallup
7. Rio Arriba NM
8. 23.4 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27952/NM-5021-79
2. 30-039-22093-0000-0
3. 103 000 000
4. Energy Reserves Group Inc
5. Jicarilla 35 #7
6. Otero-Gallup
7. Rio Arriba NM
8. 14.4 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27953/NM-4888-79-1
2. 30-039-06266-0000-0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 155 #5 (2nd Fili)
6. South Blanco—Pictured Cliffs
7. Rio Arriba NM
8. 16.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp

1. 80-27954/NM-4888-79-2
2. 30-045-10675-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 32-8 #23
6. Blanco Mesaverde
7. San Juan NM
8. 22.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-27955/NM-4889-79-1
2. 30-045-23512-0000-0
3. 103 000 000
4. Curtis J Little
5. Federal Com #2-R
6. Basin Dakota
7. San Juan County NM
8. 72.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27957/NM-4890-79
2. 30-039-07801-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 30-5 #11
6. Blanco Mesaverde
7. Rio Arriba NM
8. 18.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-27958/NM-4993-79
2. 30-015-22909-0000-0
3. 102 000 000
4. Yates Petroleum Corp
5. Hilliard Le Federal No 1
6. Undesignated Morrow
7. Eddy NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80-27959/NM-5022-79
2. 30-045-06658-0000-0
3. 108 000 000
4. Mobil Oil Corp
5. C M Morris #2
6. Fulcher-Kutz Pictured Cliffs
7. San Juan NM
8. 5.7 million cubic feet

9. April 18, 1980
10. Southern Union Gathering Co
1. 80–27960/NM–5023–79
2. 30–039–06606–0000–0
3. 108 000 000
4. Mobil Oil Corp
5. Jicarilla C #3
6. Tapacito Pictured Cliffs
7. Rio Arriba NM
8. 2.4 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp
1. 80–27961/NM–3582–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Getty Oil Co
5. Myers Langlie Mattix #153
6. Langlie Mattix
7. Lea NM
8. 1.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27962/NM–5073–79
2. 30–015–22610–0000–0
3. 103 000 000
4. Yates Petroleum Corp
5. Reddy Trigg JV Federal #1
6. Wildcat-Atoka
7. Eddy NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27963/NM–5074–79
2. 30–015–60574–0000–0
3. 103 000 000
4. Yates Petroleum Corp
5. South Alkali LK Federal #1
6. Wildcat
7. Chaves NM
8. .0 million cubic feet
9. April 18, 1980
10.
1. 80–27965/NM–5078–79
2. 30–045–22642–0000–0
3. 108 000 000
4. Southland Royalty Co
5. Browning Stewart #5
6. Fulcher Kutz
7. San Juan NM
8. 6.0 million cubic feet
9. April 18, 1980
10. Southern Union Gathering Co
1. 80–27966/NM–5079–79
2. 30–039–22076–0000–0
3. 103 000 000
4. El Paso Exploration Co
5. Jicarilla 120C #19
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 40.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp
1. 80–27967/NM–5080–79
2. 30–039–22075–0000–0
3. 103 000 000
4. El Paso Exploration Co
5. Jicarilla 120C #18
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 40.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp
1. 80–27968/NM–5081–79
2. 30–039–22074–0000–0
3. 103 000 000
4. El Paso Exploration Co
5. Jicarilla 120C #17
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 40.0 million cubic feet
9. April 18, 1980
10. Northwest Pipeline Corp
1. 80–27969/NM–5082–79
2. 30–045–23689–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Fields #13
6. Blanco Pictured Cliffs
7. San Juan NM
8. 40.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27970/NM–5083–79–A
2. 30–045–23178–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #14A
6. Blanco Mesaverde
7. San Juan NM
8. 150.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27971/NM–5083–79B
2. 30–045–23178–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #14A
6. Aztec Pictured Cliffs
7. San Juan NM
8. 20.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27972/NM–5084–79
2. 30–045–23444–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Huerfanito Unit #87A
6. Blanco Mesaverde
7. San Juan NM
8. 120.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Northwest Pipeline Corp
1. 80–27973/NM–5035–79
2. 30–025–25592–0000–0
3. 103 000 000
4. Perry R Bass
5. New Mexico Fed F Comm #1
6. Salt Lake Morrow South (Gas)
7. Lea County NM
8. 18.0 million cubic feet
9. April 18, 1980
10. Natural Gas Pipeline Co of America
1. 80–27976/NM–5033–79
2. 30–045–22641–0000–0
3. 103 000 000
4. Dome Petroleum Corp
5. Hanlad Federal #1
6. Waw-Nipp
7. San Juan NM
8. 21.3 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co, Natural Gas Pipeline Co of America
1. 80–27978/NM–5085–79
2. 30–039–21866–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28–5 Unit #103
6. Basin Dakota
7. Rio Arriba NM
8. 70.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27979/NM–5056–79
2. 30–015–00826–0000–0
3. 108 000 000
4. Arco Oil & Gas Co
5. West Red Lake Unit #19
6. Red Lake
7. Eddy NM
8. .9 million cubic feet
9. April 18, 1980
10. Phillips Petroleum Co
1. 80–27982/NM–5059–79
2. 30–025–26256–0000–0
3. 103 000 000
4. Gulf Oil Corp
5. Landsdale D Federal Com #1
6. North Lusk Morrow
7. Lea NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27983/NM–5060–79
2. 30–015–22130–0000–0
3. 103 000 000
4. Gulf Oil Corp
5. Eddy D Federal Com No 1
6. North Shugart Morrow
7. Eddy NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27984/NM–5061–79
2. 30–025–26177–0000–0
3. 103 000 000
4. Gulf Oil Corp
5. C E Lamunyon #49
6. North Teague Devonian
7. Lea NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27985/NM–5063–79
2. 30–015–22936–0000–0
3. 103 000 000
4. Gulf Oil Corp
5. Marquardt Federal #2
6. White City Penn
7. Eddy NM
8. .0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27986/NM–5076–79
2. 30–015–26249–0000–0
3. 102 103 000
4. HNG Oil Co
5. Wilson 8 Federal #3 NM 18644
6. Sioux Yates
7. Lea NM
8. 25.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co
1. 80–27987/NM–5077–79–1
2. 30–015–26258–0000–0
3. 102 103 000
4. HNG Oil Co
5. Wilson 9 Federal #2 NM 18644
6. Sioux Yates
7. Lea NM
8. 52.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80–27932/NM–3588–79
2. 30–025–00000
3. 108 000 000
4. Getty Oil Co
5. Myers Langlie Mattix Unit #9
6. Langlie Mattix
7. Lea NM
8. 3.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80–27980/UA–5057–79
2. 43–037–30462–0000–0
3. 103 000 000
4. The Superior Oil Co
5. McElmo Creek Unit R–20
6. Greater Aneth
7. San Juan UT
8. 44.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

1. 80–27981/UA–5058–79
2. 43–037–30461–0000–0
3. 103 000 000
4. The Superior Oil Co
5. McElmo Creek Unit R–22
6. Greater Aneth
7. San Juan UT
8. 4.0 million cubic feet
9. April 18, 1980
10. El Paso Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 27, 1980.

Please reference the FERC control number in all corresponce related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–14532 Filed 5–9–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 194]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 6, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Oklahoma Corporation Commission

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–28094/02997
2. 35–093–21452–0000
3. 103 000 000
4. Universal Resources Corp
5. Heinrichs #1–36
6. Cedar Springs
7. Major OK
8. 90.0 million cubic feet
9. April 21, 1980
10. Delhi Gas Pipeline Corp

1. 80–28095/02983
2. 35–093–21287–0000
3. 103 000 000
4. Partnership Properties Co
5. Ring #4
6. Sooner Trend
7. Major OK
8. 60.0 million cubic feet
9. April 21, 1980
10. Oklahoma Natural Gas Co

1. 80–28096/02581
2. 35–137–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. C Ashshalintubbi #1
6. Sho-Vel-Tum
7. Stephens OK
8. 7.6 million cubic feet
9. April 21, 1980
10. Aminoil USA Inc

1. 80–28097/02908
2. 35–083–00000–0000
3. 103 000 000
4. F M Buxton
5. Rudd No 1
6. Sooner Trend
7. Logan OK
8. 110.0 million cubic feet
9. April 21, 1980
10. Continental Oil Co

1. 80–28098/02498
2. 35–043–20760–0000
3. 102 000 000
4. Hoover & Bracken Energies Inc
5. Gamble 1–14
6. Leedey 1–14
7. Dewey OK
8. 182.0 million cubic feet
9. April 21, 1980
10. Arkansas Louisiana Gas Co

1. 80–28099/02831
2. 35–123–00000–0000
3. 108 000 000
4. Vaughn Good
5. B H Thompson A
6. Fitts
7. Pontotoc OK
8. 10.0 million cubic feet
9. April 21, 1980
10. Koch Oil Co

1. 80–28100/03272
2. 35–061–20262–0000
3. 102 000 000
4. Service Drilling Co
5. Satterfield #2–18
6. West Stigler
7. Haskell OK
8. 40.0 million cubic feet
9. April 21, 1980
10. Delhi Gas Pipeline Co, Columbia Gas Transmission Corp, Tennessee Gas Pipeline Co

1. 80–28101/02832
2. 35–123–00000–0000
3. 108 000 000
4. Vaughn Good
5. B H Thompson 1
6. Fitts
7. Pontotoc OK
8. 10.0 million cubic feet
9. April 21, 1980
10. Koch Oil Co

1. 80–28102/03015
2. 35–123–00000–0000
3. 108 000 000
4. Wilmar Oil Inc
5. Matthews #1
6. Jesse Pool
7. Pontotoc OK
8. 13.4 million cubic feet
9. April 21, 1980
10. Arkansas-Louisiana Gas Co

1. 80–28103/03016
2. 35–073–00000–0000
3. 108 000 000
4. Wilmar Oil Inc
5. Hawk No 1
6. Dover-Hennessey
7. Kingfisher OK
8. .3 million cubic feet
9. April 21, 1980
10. Exxon Co USA

1. 80–28104/03011
2. 35–139–20935–0000
3. 102 000 000
4. Cities Service Co
5. Webb E No 1
6. East Eva
7. Texas OK
8. 4.0 million cubic feet
9. April 21, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–28105/02969
2. 35–121–20604–0000
3. 102 000 000
4. John C Oxley
5. Richardson No 1
6. N Russellville-Cromwell
7. Pittsburg OK
8. 200.0 million cubic feet
9. April 21, 1980
10. Arkansas Louisiana Gas Co

1. 80–28106/02911
2. 35–083–21066–0000
3. 103 000 000
4. Harper Oil Co
5. Evelyn #1
6. Sooner Trend
7. Logan OK
8. 18.0 million cubic feet
9. April 21, 1980
10. Panhandle Eastern Pipe Line Co, Exxon Co USA

1. 80–28107/03313
2. 35–147–20919–0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Cook J–8
6. N E Wayside
7. Washington OK
8. .0 million cubic feet

9. April 21, 1980
10. Cities Service Gas Co
1. 80-28108/03312
2. 35-147-20933-0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Timmons D-8
6. N E Wayside
7. Washington OK
8. .0 million cubic feet
9. April 21, 1980
10. Cities Service Gas Co
1. 80-28109/03311
2. 35-147-20860-0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Cook B-8L
6. N E Wayside
7. Washington OK
8. .0 million cubic feet
9. April 21, 1980
10. Cities Service Gas Co
1. 80-28110/03003
2. 35-093-21203-0000
3. 103 000 000
4. Universal Resources Corp
5. Martin #3-29
6. Dane
7. Major OK
8. 22.0 million cubic feet
9. April 21, 1980
10. Delhi Gas Pipeline Corp
1. 80-28111/03000
2. 35-093-21271-0000
3. 103 000 000
4. Universal Resources Corp
5. Parker #1-18
6. Dane
7. Major OK
8. 41.0 million cubic feet
9. April 21, 1980
10. Delhi Gas Pipeline Corp
1. 80-28112/02999
2. 35-011-20782-0000
3. 103 000 000
4. Universal Resources Corp
5. Shope #1-35
6. Cedar Springs E
7. Blaine OK
8. 51.0 million cubic feet
9. April 21, 1980
10. Delhi Gas Pipeline Corp
1. 80-28113/03010
2. 35-003-00000-0000
3. 108 000 000
4. James W Wise
5. Sturgeon #1
6. E Chaney Dell (S1/2 SE1/4 9-23N-10W)
7. Alfalfa OK
8. 14.0 million cubic feet
9. April 21, 1980
10. Panhandle Eastern Pipe Line Co, Union Texas Petroleum
1. 80-28114/03309
2. 35-147-20810-0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Cato-Woodall B-14-L
6. N E Wayside
7. Washington OK
8. .0 million cubic feet
9. April 21, 1980
10. Cities Service Gas Co
1. 80-28115/03308
2. 35-147-20811-0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Cato-Woodall B-14-P
6. N E Wayside
7. Washington OK
8. .0 million cubic feet
9. April 21, 1980
10. Cities Service Gas Co
1. 80-28116/03021
2. 35-059-20124-0000
3. 108 000 000
4. Blaik Oil Co
5. German Unit #1
6. N E Buffalo
7. Harper OK
8. 10.0 million cubic feet
9. April 21, 1980
10. Northern Natural Gas Co
1. 80-28117/03002
2. 35-093-21358-0000
3. 103 000 000
4. Universal Resources Corp
5. Ewbank #1-32
6. Dane
7. Major OK
8. 317.0 million cubic feet
9. April 21, 1980
10. Delhi Gas Pipeline Corp
1. 80-28118/02860
2. 35-055-20401-0000
3. 108 000 000
4. Damson Oil Corp
5. Trout 1
6. South Bloomington
7. Greer OK
8. 4.0 million cubic feet
9. April 21, 1980
10. Arkansas Louisiana Gas Co
1. 80-28119/02859
2. 35-055-20124-0000
3. 108 000 000
4. Damson Oil Corp
5. Parton #1
6. South Bloomington
7. Greer OK
8. .0 million cubic feet
9. April 24, 1980
10. Arkansas Louisiana Gas Co
1. 80-28120/03121
2. 35-019-00000-0000
3. 108 000 000
4. Arco Oil & Gas Company
5. Thomas L Carpenter #6
6. Sho-Vel-Tum
7. Carter OK
8. 3.0 million cubic feet
9. April 24, 1980
10. Mobil Oil Corp
1. 80-28121/03120
2. 35-019-00000-0000
3. 108 000 000
4. Arco Oil & Gas Co
5. Thomas L Carpenter #2
6. Sho-Vel-Tum
7. Carter OK
8. 3.0 million cubic feet
9. April 24, 1980
10. Mobil Oil Corp
1. 80-28122/03119
2. 35-137-00000-0000
3. 108 000 000
4. Arco Oil & Gas Co
5. Beulah A Warden #5
6. Sho-Vel-Tum
7. Stephens OK
8. 8.0 million cubic feet
9. April 24, 1980
10. Getty Oil Co
1. 80-28123/02803
2. 35-059-20086-0000
3. 108 000 000
4. Samson Resources Co
5. Bengston No 1
6. Laverne
7. Harper OK
8. 7.3 million cubic feet
9. April 24, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80-28124/03117
2. 35-017-21138-0000
3. 103 000 000
4. Nova Energy Corp
5. Cobble 1-24
6.
7. Canadian OK
8. 150.0 million cubic feet
9. April 24, 1980
10. Phillips Petroleum Co
1. 80-28125/03078
2. 35-025-20351-0000
3. 103 000 000
4. Pioneer Production Corp
5. Smaltz #1-14
6. S W Rice
7. Cimarron OK
8. .0 million cubic feet
9. April 24, 1980
10.
1. 80-28126/03116
2. 35-017-21164-0000
3. 103 000 000
4. Nova Energy Corp
5. Cobble 2-24
6.
7. Canadian OK
8. 90.0 million cubic feet
9. April 24, 1980
10. Phillips Petroleum Co
1. 80-28127/01430
2. 35-071-00000-0000
3. 103 102 000
4. Unit Operations
5. Barber Gas Unit No 1
6. Dilworth
7. Kay OK
8. 60.0 million cubic feet
9. April 24, 1980
10. Cities Service Gas Co
1. 80-28128/01447
2. 35-071-00000-0000
3. 103 102 000
4. Unit Operations
5. Hobaugh-Roach Gas Unit No 1
6. Dilworth
7. Kay OK
8. 75.0 million cubic feet
9. April 24, 1980
10. Cities Service Gas Co
1. 80-28129/03093
2. 35-049-00000-0000
3. 108 000 000
4. Arco Oil & Gas Co
5. W K Donnell #17
6. Golden Trend
7. Garvin OK
8. 2.0 million cubic feet
9. April 24, 1980
10. Warren Petroleum Co
1. 80-28130/03094

2. 35–049–00000–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. Martin-Harrison #3
6. Golden Trend
7. Garvin OK
8. 2.0 million cubic feet
9. April 24, 1980
10. Warren Petroleum Co

1. 80–28131/03095
2. 35–049–00000–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. Lee Smith Oil Creek Unit #1
6. Golden Trend
7. Garvin OK
8. 2.0 million cubic feet
9. April 24, 1980
10. Warren Petroleum Co

1. 80–28132/03126
2. 35–017–21014–0000
3. 102 000 000
4. Mesa Petroleum Co
5. Anderson 1–36
6. N W Union City
7. Canadian OK
8. 130.0 million cubic feet
9. April 24, 1980
10. Transok Pipe Line Co

1. 80–28133/03115
2. 35–051–20358–0000
3. 102 000 000
4. Nova Energy Corp
5. Wehling 1–21
6. West Minco
7. Grady OK
8. 300.0 million cubic feet
9. April 24, 1980
10.

1. 80–28134/02863
2. 35–055–20116–0000
3. 102 000 000
4. Damson Oil Corp
5. Thompson 2
6. South Bloomington
7. Greer OK
8. 2.0 million cubic feet
9. April 24, 1980
10. El Paso Natural Gas Co

1. 80–28135/02867
2. 35–055–20360–0000
3. 108 000 000
4. Damson Oil Corp
5. Williams 1–33
6. South Bloomington
7. Greer OK
8. 1.0 million cubic feet
9. April 24, 1980
10. Arkansas Louisiana Gas Co

1. 80–28136/03036
2. 35–073–00000–0000
3. 108 000 000
4. Universal Resources Corp
5. Wier #1–25
6. Sooner Trend
7. Kingfisher OK
8. 15.0 million cubic feet
9. April 24, 1980
10. Phillips Petroleum Co

1. 80–28137/03037
2. 35–011–20496–0000
3. 108 000 000
4. Universal Resources Corp
5. Weber #1–3
6. Watonga Trend
7. Blaine OK
8. 3.0 million cubic feet
9. April 24, 1980
10. Delhi Gas Pipeline Corp

1. 80–28138/03034
2. 35–011–20304–0000
3. 108 000 000
4. Universal Resources Corp
5. Kramp #1–2
6. Sooner Trend
7. Blaine OK
8. 10.0 million cubic feet
9. April 24, 1980
10. Phillips Petroluem Co

1. 80–28139/03033
2. 35–073–21022–0000
3. 108 000 000
4. Universal Resources Corp
5. Eberhardt #1–28
6. Cooper East
7. Kingfisher OK
8. 10.0 million cubic feet
9. April 24, 1980
10. Partnership Properties Co

1. 80–28140/03032
2. 35–073–00000–0000
3. 108 000 000
4. Universal Resources Corp
5. Schlecht #1–27
6. Cooper East
7. Kingfisher OK
8. 5.0 million cubic feet
9. April 24, 1980
10. Phillips Petroleum Co

1. 80–28141/03031
2. 35–073–00000–0000
3. 108 000 000
4. Universal Resources Corp
5. State #2–28
6. Cooper East
7. Kingfisher OK
8. 12.0 million cubic feet
9. April 24, 1980
10. Phillips Petroleum Co

1. 80–28142/03030
2. 35–073–21039–0000
3. 108 000 000
4. Universal Resources Corp
5. Staude #1–27
6. Cooper East
7. Kingfisher OK
8. 10.0 million cubic feet
9. April 24, 1980
10. Phillips Petroleum Co

1. 80–28143/03029
2. 35–073–00000–0000
3. 108 000 000
4. Universal Resources Corp
5. State #1–28
6. Loyal Southwest
7. Kingfisher OK
8. 18.0 million cubic feet
9. April 24, 1980
10. Phillips Petroleum Co

1. 80–28144/02875
2. 35–0055–20145–0000
3. 108 000 000
4. Damson Oil Corp
5. Jones 1
6. South Bloomington
7. Greer OK
8. 5.0 million cubic feet
9. April 24, 1980
10. El Paso Natural Gas Co

1. 80–28145/02874
2. 35–0055–20427–0000
3. 108 000 000
4. Damson Oil Corp
5. Reeves 1–29
6. South Bloomington
7. Greer OK
8. 5.0 million cubic feet
9. April 24, 1980
10. Arkansas Louisiana Gas Co

1. 80–28146/02870
2. 35–0055–20077–0000
3. 108 000 000
4. Damson Oil Corp
5. McDaniel 1–16
6. South Bloomington
7. Greer OK
8. 1.0 million cubic feet
9. April 24, 1980
10. Arkansas Louisiana Gas Co

1. 80–28147/02869
2. 35–0055–20063–0000
3. 108 000 000
4. Damson Oil Corp
5. Hogg 1
6. South Bloomington
7. Greer OK
8. 1.0 million cubic feet
9. April 24, 1980
10. El Paso Natural Gas Co

West Virginia Department of Mines Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–28148
2. 47–013–00000–0000
3. 108 000 000
4. Vanderbilt Resources Corp
5. Bennett T–378
6. Orma
7. Calhoun WV
8. 6.1 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28149
2. 47–005–00096–0000
3. 108 000 000
4. Rich Fork Gas Co
5. C A Croft Etal #8
6.
7. Boone WV
8. 1.5 million cubic feet
9. April 23, 1980
10. Pennzoil United Inc

1. 80–28150
2. 47–105–00000–0000
3. 108 000 000
4. Vanderbilt Resources Corp
5. Bennett I–547
6. Orma
7. Calhoun WV
8. 7.0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28151
2. 47–021–00000–0000
3. 108 000 000

4. Vanderbilt Resources Corp
5. Bennett I–382
6. Orma
7. Gilmer WV
8. 10.1 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28152
2. 47–021–00000–0000
3. 108 000 000
4. Vanderbilt Resources Corp
5. Bennett I–384
6. Orma
7. Gilmer WV
8. 15.8 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28153
2. 47–021–00000–0000
3. 108 000 000
4. Vanderbilt Resources Corp
5. Bennett I–377
6. Orma
7. Gilmer WV
8. 7.7 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28154
2. 47–021–02862–0000
3. 108 000 000
4. Vanderbilt Resources Corp
5. Bennett I–385
6. Orma
7. Gilmer WV
8. 17.0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28155
2. 47–005–00027–0000
3. 108 000 000
4. Rich Fork Gas Co
5. C A Croft Etal #5
6.
7. Boone WV
8. 1.5 million cubic feet
9. April 23, 1980
10. Pennzoil United Inc

1. 80–28156
2. 47–005–00028–0000
3. 108 000 000
4. Rich Fork Gas Co
5. C A Croft Etal #6
6.
7. Boone WV
8. 1.5 million cubic feet
9. April 23, 1980
10. Pennzoil United Inc

1. 80–28157
2. 47–005–00029–0000
3. 108 000 000
4. Rich Fork Gas Co
5. C A Croft Etal #7
6.
7. Boone WV
8. 1.5 million cubic feet
9. April 23, 1980
10. Pennzoil United Inc

1. 80–28158
2. 47–005–00064–0000
3. 108 000 000
4. Rich Fork Gas Co
5. C A Croft Etal #4
6.
7. Boone WV
8. 1.5 million cubic feet
9. April 23, 1980
10. Pennzoil United Inc

1. 80–28159
2. 47–005–00095–0000
3. 108 000 000
4. Rich Fork Gas Co
5. C A Croft Etal #8
6.
7. Boone WV
8. 1.5 million cubic feet
9. April 23, 1980
10. Pennzoil United Inc

1. 80–28160
2. 47–099–21588–0000
3. 108 000 000
4. Franklin Adkins
5. Crum #1
6. Lincoln
7. Wayne WV
8. 1.4 million cubic feet
9. April 21, 1980
10. Columbia Gas Transmission Corp

1. 80–28161
2. 47–099–21589–0000
3. 108 000 000
4. Franklin Adkins
5. Crum #2
6. Lincoln
7. Wayne WV
8. 1.4 million cubic feet
9. April 21, 1980
10. Columbia Gas Transmission Corp

1. 80–28162
2. 47–087–03127–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #23
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28163
2. 47–087–03134–F000
3. 108 000 000
4. Pennzoil Co
5. L A Hopkins #3
6. Geary
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28164
2. 47–087–03148–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #13
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28165
2. 47–087–02989–F000
3. 108 000 000
4. Pennzoil Co
5. S M Sergent #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28166
2. 47–087–02983–F000
3. 108 000 000
4. Pennzoil Co
5. S & S Starcher #1
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28167
2. 47–087–02978–F000
3. 108 000 000
4. Pennzoil Co
5. S & S Starcher #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28168
2. 47–087–02835–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #23
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28169
2. 47–087–02832–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #20
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28170
2. 47–087–02831–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #19
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28171
2. 47–087–02828–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #13
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28172
2. 47–087–02827–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #10
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28173
2. 47–103–00909–0000
3. 108 000 000
4. Pennzoil Co
5. L J Fluharty #1
6. Greene District
7. Wetzel WV

8. .0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28174
2. 47–103–00910–0000
3. 108 000 000
4. Pennzoil Co
5. Fluharty L J #2
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28175
2. 47–103–00911–0000
3. 108 000 000
4. Pennzoil Co
5. Fluharty L J #3
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28176
2. 47–103–00913–0000
3. 108 000 000
4. Pennzoil Co
5. Fluharty William #8
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28177
2. 47–103–00914–0000
3. 108 000 000
4. Pennzoil Co
5. Fluharty William #10
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28178
2. 47–103–00947–0000
3. 108 000 000
4. Pennzoil Co
5. J A Booth #5
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28179
2. 47–103–01032–0000
3. 108 000 000
4. Pennzoil Co
5. Miller Israel #3
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28180
2. 47–103–01051–0000
3. 108 000 000
4. Pennzoil Co
5. Nolan Henry #7
6. Greene District
7. Wetzel WV
8. 1.3 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28181
2. 47–103–01054–0000
3. 108 000 000
4. Pennzoil Co
5. Pennick C C #8
6. Greene District
7. Wetzel WV
8. 1.3 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28182
2. 47–043–20798–0000
3. 108 000 000
4. Magnolia Gas Co
5. Mamie Gill #1
6. Harts Creek
7. Lincoln WV
8. 1.0 million cubic feet
9. April 21, 1980
10. Columbia Gas Trans Corp

1. 80–28183
2. 47–043–20811–0000
3. 108 000 000
4. Magnolia Gas Co
5. T J Mullins #1
6. Harts Creek
7. Lincoln WV
8. 5.0 million cubic feet
9. April 21, 1980
10. Columbia Gas Trans Corp

1. 80–28184
2. 47–043–20869–0000
3. 108 000 000
4. Magnolia Gas Co
5. Andy Brumfield #1
6. Harts Creek
7. Lincoln WV
8. 7.0 million cubic feet
9. April 21, 1980
10. Columbia Gas Trans Corp

1. 80–28185
2. 47–043–20797–0000
3. 108 000 000
4. Northfork Gas Co
5. Alderson Adkins #1
6. Harts Creek
7. Lincoln WV
8. 7.5 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28186
2. 47–033–01067–0000
3. 108 000 000
4. James F Scott
5. B Zirkle (S–213)
6. Sardis District
7. Harrison WV
8. 20.0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28187
2. 47–033–01168–0000
3. 108 000 000
4. James F Scott
5. A Hall Heirs (S–243)
6. Coal District
7. Harrison WV
8. 18.0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28188
2. 47–033–01193–0000
3. 108 000 000
4. James F Scott
5. A Monks & J T Flyjnn (S–248)
6. Coal District
7. Harrison WV
8. 19.0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28189
2. 47–033–01688–0000
3. 108 000 000
4. James F Scott
5. Mary S Robey (S–257)
6. Eagle District
7. Harrison WV
8. 18.0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28190
2. 47–033–01707–0000
3. 108 000 000
4. James F Scott
5. Notley Bates (S–254)
6. Eagle District
7. Harrison WV
8. 15.0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28191
2. 47–017–02496–0000
3. 102 000 000
4. James F Scott
5. Coleman & Wright #4 (S–282)
6. West Union District
7. Doddridge WV
8. 12.0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28192
2. 47–021–02594–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Aley Rhoades No 3 Fossil No 3503
6. Sand Fork
7. Gilmer WV
8. 2.7 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28193
2. 47–085–03629–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. John Wolfe No 1A Fossil No 8301
6. Leatherbark Creek
7. Ritchie WV
8. .4 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28194
2. 47–085–03633–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. S W Williamson No 1 Fossil No 8401
6. Leatherbark Creek
7. Ritchie WV
8. 3.1 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28195
2. 47–085–03632–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. A Collins Heirs No 1 Fossil No 8501
6. Leatherbark Creek
7. Ritchie WV
8. .3 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28196

2. 47–085–03635–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. C Robinson No 1 Fossil No 8701
6. Leatherbark Creek
7. Ritchie WV
8. 3.6 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28197
2. 47–021–02557–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. L D Edwards No 1–A Fossil No 2501
6. Sand Fork
7. Gilmer WV
8. 2.1 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28198
2. 47–021–02562–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. White-Garrett Fossil No 2601
6. Sand Fork
7. Gilmer WV
8. 3.1 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28199
2. 47–021–02558–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. A E Collins No 2 Fossil No 2002
6. Sand Fork
7. Gilmer WV
8. 2.3 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28200
2. 47–021–02571–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Shiflett-Fossil No 2801
6. Sand Fork
7. Gilmer WV
8. .2 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28201
2. 47–021–02574–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. I P Martin No 1 Fossil No 3001
6. Glenville South
7. Gilmer WV
8. 6.8 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28202
2. 47–021–02582–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Gilbert Rhoades Fossil No 3701
6. Glenville South
7. Gilmer WV
8. 4.4 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28203
2. 47–021–02587–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Aley Rhoades No 1 Fossil No 3901
6. Glenville South
7. Gilmer WV
8. 4.5 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28204
2. 47–021–02588–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Lola McGinnis 1–A Fossil No 4101
6. Glenville South
7. Gilmer WV
8. 11.3 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28205
2. 47–021–02593–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Aley Rhoades No 2 Fossil No 3502
6. Sand Fork
7. Gilmer WV
8. 2.4 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28206
2. 47–0878–02554–0000
3. 108 000 000
4. Pennzoil Co
5. L A Hopkins #2
6. Geary
7. Roane WV
8. .0 million cubic feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28207
2. 47–087–02614–0000
3. 108 000 000
4. Pennzoil Co
5. F C Lewis #1
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28208
2. 47–087–02634–0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #3
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28209
2. 47–087–02635–0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #4
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28210
2. 47–087–02826–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #9
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28211
2. 47–087–02825–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #8
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28212
2. 47–087–02821–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #4
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28213
2. 47–087–02818–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #1
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28214
2. 47–087–02788–0000
3. 108 000 000
4. Pennzoil Co
5. S & S Starcher #4
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28215
2. 47–087–02781–0000
3. 108 000 000
4. Pennzoil Co
5. M L Snodgrass #1
6. Geary
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28216
2. 47–087–02643–0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #12
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28217
2. 47–087–02641–0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #10
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28218
2. 47–087–02639–0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #8
6. Smithfield

7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28219
2. 47–087–02553–0000
3. 108 000 000
4. Pennzoil Co
5. L A Hopkins #1
6. Geary
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28220
2. 47–087–02637–0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #6
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28221
2. 47–087–02638–0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #7
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28222
2. 47–087–03173–F000
3. 108 000 000
4. Pennzoil Co
5. S M Sergent #4
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28223
2. 47–087–03175–F000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #24
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28224
2. 47–087–03178–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #22
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28225
2. 47–087–03179–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #2
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28226
2. 47–087–03180–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #20
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28227
2. 47–087–03184–F000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #18
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28228
2. 47–087–03054–F000
3. 108 000 000
4. Pennzoil Co
5. S & S Starcher #3
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28229
2. 47–087–03055–F000
3. 108 000 000
4. Pennzoil Co
5. M D Chewning #1
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28230
2. 47–087–03071–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #24
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28231
2. 47–087–03088–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #17
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28232
2. 47–087–03095–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #16
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28233
2. 47–087–03096–F000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #18
6. Smithfield
7. Roane WV
8. .0 Million Cubic Feet
9. April 21, 1980
10. Consolidated Gas Supply Corp

1. 80–28234
2. 47–097–01254–0000
3. 108 000 000
4. A&A Producers & Operators Co
5. RETA Phillips VA–102
6.
7. Upshur WV
8. .8 Million Cubic Feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28235
2. 47–097–01358–0000
3. 108 000 000
4. A & A Producers & Operators
5. Burton Allman Z–S–SP–119
6.
7. Upshur WV
8. 6.0 Million Cubic Feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28236
2. 47–097–01267–0000
3. 108 000 000
4. A & A Producers & Operators Co
5. Madge Smith 3–SP–101
6.
7. Upshur WV
8. 6.0 Million Cubic Feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28237
2. 47–097–01272–0000
3. 108 000 000
4. A & A Producers & Operators Co
5. Whitescarver Rundio 1–S–SP–108
6.
7. Upshur WV
8. 4.0 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28238
2. 47–013–00436–0000
3. 108 000 000
4. Carl R Morris
5. Noah McCumbers #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 4.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28239
2. 47–013–00493–0000
3. 108 000 000
4. Carl R Morris
5. Wheeler #1
6. Nicut-Washington District
7. Calhoun WV
8. 1.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28240
2. 47–013–01792–0000
3. 108 000 000
4. Carl R Morris
5. Bennett #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 4.7 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28241

2. 47–013–01810–0000
3. 108 000 000
4. Carl R Morris
5. Bennett #2
6. Nicut-Washington Dist
7. Calhoun WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28242
2. 47–013–01849–0000
3. 108 000 000
4. Carl R Morris
5. Bennett #3
6. Nicut-Washington Dist
7. Calhoun WV
8. 4.6 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28243
2. 47–103–01942–0000
3. 108 000 000
4. Carl R Morris
5. McCoy #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 2.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28244
2. 47–013–01955–0000
3. 108 000 000
4. Carl R Morris
5. W E Sharp #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 4.7 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28245
2. 47–013–01973–D000
3. 108 000 000
4. Carl R Morris
5. Newell #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 4.2 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28246
2. 47–013–01984–0000
3. 108 000 000
4. Carl R Morris
5. W E Sharp #2
6. Nicut-Washington Dist
7. Calhoun WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28247
2. 47–043–00008–0000
3. 108 000 000
4. Rich Fork Gas
5. C A Croft et al #3
6.
7. Lincoln WV
8. 1.5 million cubic feet
9. April 23, 1980
10. Pennzoil United Inc

1. 80–28248
2. 47–013–02582–0000
3. 108 000 000
4. Vanderbilt Resources Corp
5. Knotts I–372
6. Orma
7. Calhoun WV
8. 13.0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

1. 80–28249
2. 47–021–02646–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. H. Collins No 1 Fossil No 6601
6. Sand Fork
7. Gilmer WV
8. 5.1 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28250
2. 47–021–02647–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Robinson No 2 Fossil No 6302
6. Sand Fork
7. Gilmer WV
8. 20.2 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28251
2. 47–021–02648–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Morris No 1 Fossil No 6701
6. Sand Fork
7. Gilmer WV
8. 2.3 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28252
2. 47–021–02649–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Morris No. 2 Fossil No 6702
6. Sand Fork
7. Gilmer WV
8. 5.0 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28253
2. 47–021–02652–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Lynch No 1 Fossil No 7801
6. Sand Fork
7. Gilmer WV
8. 1.1 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28254
2. 47–021–02657–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Divers No 1 Fossil No 7001
6. Glenville South
7. Gilmer WV
8. 4.3 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28255
2. 47–021–02658–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Gunn No 1 Fossil No 7201
6. Glennville South
7. Gilmer WV
8. 5.1 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28256
2. 47–021–02664–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Arnold Furbee Fossil No 7301
6. Glennville South
7. Gilmer WV
8. 7.4 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28257
2. 47–021–02669–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Lawrence Riggs #1–A Fossil #7501
6. Glennville South
7. Gilmer WV
8. 2.1 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28258
2. 47–021–02672–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Paul Dewey Wine #1 Fossil #7601
6. Sand Fork
7. Gilmer WV
8. 8.9 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28259
2. 47–021–02668–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Lawrence Riggs #1 Fossil #7401
6. Glennville South
7. Gilmer WV
8. 1.1 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28260
2. 47–085–21034–0000
3. 108 000 000
4. C W & J E Richards
5. J M Eckard #2–470851034
6. Pullman
7. Ritchie WV
8. 1.4 million cubic feet
9. April 23, 1980
10. Carnegie Natural Gas Co

1. 80–28261
2. 47–021–02771–0000
3. 108 000 000
4. Vanderbilt Resources Corp
5. Bennett I–376
6. Orma
7. Gilmer WV
8. 12.0 million cubic feet
9. April 23, 1980
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a

protest with the Commission on or before May 27, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14533 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 195]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 6, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-28262
2. 47-103-01055-0000
3. 108 000 000
4. Pennzoil Co
5. Pennick C C #19
6. McElroy District
7. Wetzel WV
8. 1.3 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28263
2. 47-017-01172-0000
3. 108 000 000
4. Pennzoil Co
5. Costilow Joseph #W-1
6. Grant
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28264
2. 47-017-01173-0000
3. 108 000 000
4. Pennzoil Co
5. Costilow Joseph W-2
6. Grant
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28265
2. 47-017-01182-0000
3. 108 000 000
4. Pennzoil Co
5. McReynolds J D W-1
6. Grant
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28266
2. 47-017-01362-0000
3. 108 000 000
4. Pennzoil Co
5. Costilow Joseph W-3
6. Grant
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28267
2. 47-017-01843-0000
3. 108 000 000
4. Pennzoil Co
5. McReynolds J D #30
6. Grant
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28268
2. 47-095-00543-0000
3. 108 000 000
4. Pennzoil Co
5. Ash Emeline #3
6. McElroy District
7. WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28269
2. 47-017-02273-0000
3. 108 000 000
4. Pennzoil Co
5. Underwood-Freeman #2
6. McClellan
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28270
2. 47-095-00517-0000
3. 108 000 000
4. Pennzoil Co
5. McCormick Joseph #1
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28271
2. 47-095-00518-0000
3. 108 000 000
4. Pennzoil Co
5. McCormick Joseph #4
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28272
2. 47-095-00519-0000
3. 108 000 000
4. Pennzoil Co
5. McCormick Joseph #5
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28273
2. 47-095-00578-0000
3. 108 000 000
4. Pennzoil Co
5. Hall C T #3
6. McElroy
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28274
2. 47-095-00584-0000
3. 108 000 000
4. Pennzoil Co
5. Horner Peter #4
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28275
2. 47-095-00585-0000
3. 108 000 000
4. Pennzoil Co
5. Horner Peter #7
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28276
2. 47-095-00587-0000
3. 108 000 000
4. Pennzoil Co
5. Lemasters A D #1
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28277
2. 47-103-01090-0000
3. 108 000 000
4. Pennzoil Co
5. Reilly Michael #2
6. Greene District
7. Tyler WV
8. 1.3 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28278
2. 47-103-01137-0000
3. 108 000 000
4. Pennzoil Co
5. Wiley Anderson #2
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80-28279
2. 47-049-00657-0000
3. 108 000 000
4. Albert B. Yost
5. J. H. Burns Well No 1820
6. Fairview
7. Marion WV
8. 7.0 million cubic feet
9. April 22, 1980
10. Pennzoil Co

1. 80-28280
2. 47-103-01084-0000
3. 108 000 000
4. Pennzoil Co
5. Reilly G V #8
6. Greene District

7. Wetzel WV
8. 1.3 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28281
2. 47–103–01085–0000
3. 108 000 000
4. Pennzoil Co
5. Reilley Irene #8
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28282
2. 47–103–01087–0000
3. 108 000 000
4. Pennzoil Co
5. Reilly Irene #11
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28283
2. 47–103–01088–0000
3. 108 000 000
4. Pennzoil Co
5. Reilly Mary J #4
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28284
2. 47–099–01675–0000
3. 103 000 000
4. Jamar Land Co Inc
5. Glen Hayes Co #2
6. Lincoln District
7. Wayne WV
8. 20.0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28285
2. 47–103–01056–0000
3. 108 000 000
4. Pennzoil Co
5. Pennick C C #22
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28286
2. 47–103–01057–0000
3. 108 000 000
4. Pennzoil Co
5. Pennick C C #23
6. Greene District
7. Wetzel WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28287
2. 47–103–01059–0000
3. 108 000 000
4. Pennzoil Co
5. Pennick C C #4
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28288
2. 47–097–01792–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–152 UPS–1792
6. Warren
7. Upshur WV
8. 21.7 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28289
2. 47–097–01836–0000
3. 103 000 000
4. Union Drilling Inc
5. Gordon Fitzgerald #1 1442
6. Meade District
7. Upshur WV
8. .0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28290
2. 47–011–00522–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Porter #1
6.
7. Cabell WV
8. 2.9 million cubic feet
9. April 22, 1980
10. Gas Supply Corp

1. 80–28291
2. 47–047–00558–0000
3. 108 000 000
4. Great Basins Petroleum Co
5. N & W Railway Co 420+2839.5
6. Sandy River District
7. McDowell WV
8. 31.7 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28292
2. 47–017–02371–0000
3. 103 000 000
4. United Operating Co
5. Cunningham #1
6. Cabin Run
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28293
2. 47–001–20973–0000
3. 103 000 000
4. Petroleum Development Corp
5. H Poe #1
6. Clemtown
7. Barbour WV
8. 56.8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28294
2. 47–103–00906–0000
3. 108 000 000
4. Pennzoil Co
5. Wright Rachel #3
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28295
2. 47–095–00589–0000
3. 108 000 000
4. Pennzoil Co
5. Lemasters A D #11
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28296
2. 47–095–00590–0000
3. 108 000 000
4. Pennzoil Co
5. Lemasters Jasper #2
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28297
2. 47–095–00591–0000
3. 108 000 000
4. Pennzoil Co
5. Lemasters Jasper #6
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28298
2. 47–095–00593–0000
3. 108 000 000
4. Pennzoil Co
5. Lemasters L J #3
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28299
2. 47–095–00594–0000
3. 108 000 000
4. Pennzoil Co
5. Lemasters L J #6
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28300
2. 47–095–00595–0000
3. 108 000 000
4. Pennzoil Co
5. Lemasters S P #2
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28301
2. 47–095–00596–0000
3. 108 000 000
4. Pennzoil Co
5. Main Melvina #1
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28302
2. 47–095–00597–0000
3. 108 000 000
4. Pennzoil Co
5. McMillen Sam #3
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28303

2. 47–095–00599–0000
3. 108 000 000
4. Pennzoil Co
5. Pitts Oliver #4
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28304
2. 47–095–00605–0000
3. 108 000 000
4. Pennzoil Co
5. Stackpole Uriah #1
6. McElroy District
7. Tyler WV
8. .8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28305
2. 47–103–00900–0000
3. 108 000 000
4. Pennzoil Co
5. McCoy Heirs #4
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28306
2. 47–103–00905–0000
3. 108 000 000
4. Pennzoil Co
5. Wright Jane #1
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28307
2. 47–105–00640–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Mueller #3
6.
7. Wirt WV
8. 4.5 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28308
2. 47–085–04056–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Ernest Goff H–636
6.
7. Ritchie WV
8. .0 million cubic feet
9. April 22, 1980
10. Cabot Corp

1. 80–28309
2. 47–085–04050–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. M S Atkinson H–627
6.
7. Ritchie WV
8. .0 million cubic feet
9. April 22, 1980
10.

1. 80–28310
2. 47–085–04135–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. M S Atkinson H–626
6.
7. Ritchie WV
8. .0 million cubic feet
9. April 22, 1980
10.

1. 80–28311
2. 47–085–04151–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Joel Beckwith H–648
6.
7. Ritchie WV
8. .0 million cubic feet
9. April 22, 1980
10.

1. 80–28312
2. 47–085–04120–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Cokeley Heirs H–653
6.
7. Ritchie WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28313
2. 47–085–04121–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Cokeley Heirs H–654
6.
7. Ritchie WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28314
2. 47–085–04129–0000
3. 103 000 000
4. Oppenheimer Oil & Gas Co
5. Cokeley Heirs H–663
6.
7. Ritchie WV
8. .0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28315
2. 47–105–00531–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Mueller #1
6.
7. Wirt WV
8. 2.5 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28316
2. 47–041–01218–0000
3. 108 000 000
4. Norman Slaughter
5. George Fisher #1
6.
7. Lewis WV
8. 6.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28317
2. 47–105–00595–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Glen Roberts #1
6.
7. Wirt WV
8. .9 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28318
2. 47–105–00596–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Glen Roberts #2
6.
7. Wirt WV
8. .9 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28319
2. 47–105–00599–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Roberts #1
6.
7. Wirt WV
8. 1.0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28320
2. 47–105–00602–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. McConaughey—Roberts #2
6.
7. Wirt WV
8. 1.0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28321
2. 47–105–00603–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. McConaughey #3
6.
7. Wirt WV
8. 1.0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28322
2. 47–105–00634–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Mueller #2
6.
7. Wirt WV
8. 2.5 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28323
2. 47–105–00641–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Lester Scott #1
6.
7. Wirt WV
8. 10.5 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28324
2. 47–105–00643–0000
3. 108 000 000
4. Seminole Oil & Gas Co
5. Hodgen Lease #5
6.
7. Wirt WV
8. 11.0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28325
2. 47–013–02126–0000
3. 108 000 000
4. Carl R Morris
5. Helmic #2
6. Nicut-Washington Dist

7. Calhoun WV
8. 5.0 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28326
2. 47–013–01991–0000
3. 108 000 000
4. Carl R Morris
5. Newell #2
6. Nicut-Washington Dist
7. Calhoun WV
8. 4.3 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28327
2. 47–013–02041–0000
3. 108 000 000
4. Carl R Morris
5. McCoy #2
6. Nicut-Washington Dist
7. Calhoun WV
8. 4.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28328
2. 47–013–02233–0000
3. 108 000 000
4. Carl R Morris
5. Bennett #7
6. Nicut-Washington Dist
7. Calhoun WV
8. 2.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28329
2. 47–013–02321–0000
3. 108 000 000
4. Carl R Morris
5. Bennett #8
6. Nicut-Washington Dist
7. Calhoun WV
8. 2.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28330
2. 47–013–02379–0000
3. 108 000 000
4. Carl R Morris
5. Bennett #11
6. Nicut-Washington Dist
7. Calhoun WV
8. 2.0 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28331
2. 47–007–00420–0000
3. 108 000 000
4. Carl R Morris
5. Mary McCumbers #1
6. Nicut-Washington Dist
7. Braxton WV
8. 7.6 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28332
2. 47–013–01680–0000
3. 108 000 000
4. Carl R Morris
5. Bord-Smith #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 3.9 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28333
2. 47–013–01751–0000
3. 108 000 000
4. Carl R Morris
5. Chenoweth #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 3.9 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28334
2. 47–013–01775–0000
3. 108 000 000
4. Carl R Morris
5. Chenoweth #2
6. Nicut-Washington Dist
7. Calhoun WV
8. 3.9 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28335
2. 47–013–01868–0000
3. 108 000 000
4. Carl R Morris
5. Longfellow #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 5.5 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28336
2. 47–013–01885–0000
3. 108 000 000
4. Carl R Morris
5. Helmac #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 5.0 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28337
2. 47–013–02232–0000
3. 108 000 000
4. Carl R Morris
5. Bailey #1
6. Nicut-Washington Dist
7. Calhoun WV
8. 16.3 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28338
2. 47–013–02305–0000
3. 108 000 000
4. Carl R Morris
5. Bailey #2
6. Nicut-Washington Dist
7. Calhoun WV
8. 6.0 million cubic feet
9. April 22, 1980
10. Equitable Gas Co

1. 80–28339
2. 47–087–20154–0000
3. 108 000 000
4. Roma Short Jr
5. Stella Knotts No 1
6. Spencer
7. Roane WV
8. 4.4 million cubic feet
9. April 22, 1980
10. H C Boggs Natural Gas Co

1. 80–28340
2. 47–103–01172–0000
3. 108 000 000
4. Kimaric and Co
5. J Ullom Farm Well #625
6. Hundred
7. Wetzel WV
8. 2.1 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28341
2. 47–103–01172–0000
3. 108 000 000
4. Kimeric and Co
5. J Ullom Farm Well #625
6. Hundred
7. Wetzel WV
8. 2.1 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28342
2. 47–047–00559–0000
3. 108 000 000
4. Great Basins Petroleum Co
5. N & W Railway Co 420 & 4789.5
6. Sandy River District
7. McDowell WV
8. 31.7 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28343
2. 47–001–28720–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–111 Bar–872
6. Pleasant
7. Barbour WV
8. 26.8 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28344
2. 47–001–28940–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–125 Bar–894
6. Elk
7. Barbour WV
8. 12.9 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28345
2. 47–097–21682–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–37 UPS–1682
6. Union
7. Upshur WV
8. 10.4 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

1. 80–28346
2. 47–013–22868–0000
3. 103 000 000
4. Industrial Gas Associates
5. C V Mills No 1
6. Sheridan District
7. Calhoun WV
8. 10.0 million cubic feet
9. April 22, 1980
10. Columbia Gas transmission Corp

1. 80–28347
2. 47–097–01900–0000
3. 103 000 000
4. Union Drilling Inc
5. W Guy Smallridge #1 1474
6. Meade District
7. Upshur WV
8. .0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28348

2. 47–017–02377–0000
3. 103 000 000
4. United Operating Co
5. Cunningham #2
6. Cabin Run
7. Doddridge WV
8. .0 million cubic feet
9. April 22, 1980
10. Columbia Gas Transmission Corp

1. 80–28349
2. 47–039–01701–000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Thaxton
6. Washington
7. Kanawha WV
8. 3.7 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28350
2. 47–043–01349–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Elsie Ramsey
6. Duval
7. Lincoln WV
8. 5.1 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28351
2. 47–043–01360–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Craddock #1
6. Duvall
7. Lincoln WV
8. 5.1 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28352
2. 47–043–01364–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Armstrong #1
6. Duval
7. Lincoln WV
8. 5.1 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28353
2. 47–043–01368–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Lawrance
6. Duvall
7. Lincoln WV
8. 5.1 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28354
2. 47–043–01372–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Alford
6. Duvall
7. Lincoln WV
8. 5.1 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28355
2. 47–043–01385–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Craddock #2
6. Duvall
7. Lincoln WV
8. 16.6 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28356
2. 47–043–01408–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Armstrong #2
6. Duval
7. Lincoln WV
8. 5.1 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28357
2. 47–043–01413–0000
3. 108 000 000
4. Huntington Okla/Midway City Gas Co
5. Craddock #3
6. Duvall
7. Lincoln, WV
8. 5.1 million cubic feet
9. April 22, 1980
10. Industrial Gas Corp

1. 80–28358
2. 47–021–02601–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. J W Wright No 1 Fossil No 4401
6. Glenville South
7. Gilmer, WV
8. .3 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28359
2. 47–021–02622–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Barger No 1 Fossil No 5201
6. Glenville South
7. Gilmer, WV
8. 11.4 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28360
2. 47–021–02615–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Aley Rhoades No 4 Fossil No 3504
6. Glenville South
7. Gilmer, WV
8. .8 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28361
2. 47–021–02617–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Moss No 1 Fossil No 5301
6. Glenville South
7. Gilmer, WV
8. 5.8 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28362
2. 47–021–02623–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Drake No 1 Fossil No 5501
6. Glenville South
7. Gilmer, WV
8. 4.7 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28363
2. 47–021–02628–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Albert Stoneking Fossil No 5701
6. Glenville South
7. Gilmer, WV
8. 4.5 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co,

1. 80–28364
2. 47–021–02636–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Rohrbough No 1 Fossil No 5901
6. Sand Fork
7. Gilmer, WV
8. 1.6 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28365
2. 47–021–02637–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Goldsmith No 1 Fossil No 6201
6. Glenville South
7. Gilmer, WV
8. 1.2 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28366
2. 47–021–02638–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Goldsmith No 2 Fossil No 6202
6. Glenville South
7. Gilmer, WV
8. 6.0 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28367
2. 47–021–02639–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Robinson No 1 Fossil No 6301
6. Sand Fork
7. Gilmer, WV
8. 3.6 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28368
2. 47–021–2642–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. Wilmoth-Tallhammer #1 Fossil #6501
6. Sand Fork
7. Gilmer, WV
8. 8.0 million cubic feet
9. April 22, 1980
10. Carnegie Natural Gas Co

1. 80–28369
2. 47–085–03628–0000
3. 108 000 000
4. Fossil Petroleum Corp
5. John Wolfe No 1 Fossil No 8201
6. Leatherbark Creek
7. Ritchie, WV
8. .4 million cubic feet
9. April 22, 1980
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection,

except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 27, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14534 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-92]

El Paso Natural Gas Co.; Tariff Filing

May 5, 1980.

Take notice that on April 28, 1980, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, Second Revised Sheet No. 57 and Fourth Revised Sheet No. 58 to its FERC Gas Tariff, Original Volume No. 1.

El Paso states that on September 10, 1979, at Docket No. RM77-22, the Commission issued Order No. 47 entitled "Rate of Interest on Amounts Held Subject to Refund". Order No. 47, as clarified by Order No. 47-A issued November 8, 1979, and Order No. 47-B issued December 26, 1979, *inter alia*, amended Section 154.67 of the Commission's Regulations, effective October 1, 1979, to (i) equate the interest rate on pipeline refunds to the prime rate charged by commercial banks for short-term business loans, (ii) provide for adjustment of such rate on a quarterly basis and (iii) require quarterly compounding of interest on monies held subject to refund. El Paso states that Section 6.2, "Suspension of Service for Non-Payment", and Section 6.4, "Adjustment of Overcharge and Undercharge", of the General Terms and Conditions of El Paso's Original Volume No. 1 Tariff currently provide for an interest penalty charge applicable to delinquent bills of El Paso's customers and interest on the amount of any overcharge required to be refunded by El Paso to the customer entitled thereto, respectively. El Paso states that each of such sections provides for interest to be calculated at the rate of five percent (5%) per annum.

El Paso states that it believes that the interest rate El Paso charges its customers for late payments, as well as the interest payment it would make as a result of an overcharge, should be consistent with the interest rate prescribed by Order No. 47, as clarified. Accordingly, El Paso states that it tendered the subject tariff sheets in order to update Section 6.2 to provide that El Paso's customers shall pay interest on the unpaid portion of the bills rendered by El Paso at the then effective interest rate computed in the manner set forth in § 154.67(d)(2)(iii) of the Commission's Regulations from the due date until date of payment. El Paso states that it also amended Section 6.4 to provide that interest on overcharges resulting from billing errors for which El Paso is solely responsible shall be at the then effective rate computed in the manner set forth in § 154.67(d)(2)(iii) of the Commission's regulations.

El Paso has requested that the tendered tariff sheets be accepted for filing and permitted to become effective June 25, 1980.

El Paso states that copies of filing were served upon all interstate transmission system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14521 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI73-676, et al., and Docket No. CP79-464]

Florida Exploration Co., Order Granting Petition for Appeal for Purposes of Further Consideration and Consolidating Proceeding

Issued: May 5, 1980.

In the matter of Florida Exploration Company formerly Continental Exploration Company, (Successor-in-interest to Florida Exploration Company, formerly Florida Gas Exploration Company), Florida Gas Transmission Company and Florida Gas Exploration Company.

On April 4, 1980, Florida Cities [1] filed a petition to intervene out of time and motion for clarification or, alternatively, an application for rehearing [2] of a March 7, 1980 staff order in the above-referenced dockets. That order amended certificates of public convenience and necessity issued to Florida Exploration Company, formerly Florida Gas Exploration Company, by substituting Florida Exploration Company, formerly Continental Exploration Company, as certificate holder and similarly reassigning the related rate schedules.

In its filing, Florida Cities expressed concern that the amendments and redesignations permitted by the March 7, 1980 order might prejudice its position in a pending proceeding in Docket No. CP79-464. There, Florida Cities requested the Commission to investigate and issue a declaratory order on the subject of the acquisition by the Continental Group, Inc. of Florida Gas Transmission Company and Florida Gas Exploration Company. In view of the foregoing, we shall consolidate the certificate proceedings in Docket No. CI73-676, *et al.* with those in Docket No. CP79-464. And, we shall grant the petition for appeal for purposes of further consideration.

The Commission orders: (A) Florida Cities' petition for appeal filed April 4, 1980 is granted solely for the purpose of affording further time for consideration of the petition.

(B) The proceedings in Docket No. CI73-676 are hereby consolidated with the pending proceeding in Docket No. CP79-464.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14522 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

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[1] Florida Cities include: The Ft. Pierce Utilities Authority of the City of Ft. Pierce, the City of Gainesville, the City of Homestead, the City of Kissimmee, the City of Lakeland, the City of Starke, the City of Tallahassee, the Sebring Utilities Commission, and the New Smyrna Beach Utilities Commission.

[2] Since Florida Cities seeks review of a staff order, we shall treat its filing as a petition for appeal pursuant to § 1.7(d) of the Commission's rules of practice and procedure.

[Docket No. EL80-22]

General Public Utilities Corp.; Order Establishing Procedures

Issued: May 2, 1980.

On March 21, 1980, the General Public Utilities Corporation (GPU) filed with this Commission a Complaint and Request for Investigation, under Section 206(a) of the Federal Power Act, of the pricing arrangement under the Pennsylvania-Jersey-Maryland (PJM) Interconnection Agreement insofar as it relies on the "split savings" concept for sales of energy by other PJM members to GPU's operating subsidiaries.[1] GPU alleges that the operation of such "split savings" provisions results in an unjust and unreasonable rate "under present conditions." [2]

GPU contends that split savings rates are designed to achieve savings through hour-by-hour economic dispatch of a pool where there is a relatively contemporaneous exchange of energy among utilities with sufficient native capacity to accommodate their own load but where economies of production can be achieved on a single-system basis. GPU contends that such rates are not appropriate to be used in an emergency situation where a utility is suffering extensive long-term capacity deficiency and is, therefore, unable to fully participate in an exchange of energy on an economic dispatch basis.

GPU seeks a rate for power purchased from other PJM Pool members at "the incremental production cost plus any other costs reasonably allocable to supplying such service."

GPU filed contemporaneously with its Complaint and Request for Investigation a Motion for Issuance of an Interim Order. Its motion is premised on what GPU sees as a possibility that the Commission may undertake a review of the broader question of the "appropriateness of the split savings concept in general or as it applies under the PJM Agreement" and the movant's concomitant concern for the delay of its ability to gain timely relief that would result from such a broadened investigation.

The Complaint, Request for Investigation and accompanying Motion were noticed in the **Federal Register.** Numerous parties have filed protests, comments and/or petitions to intervene.[3]

On Tuesday, April 29, 1980, at the request of the President of the New Jersey Board of Public Utility Commissioners (Board), and subsequent to public notice, the Commission met in public session to receive the views of the members of the Board as to the need for expeditious Commission consideration of GPU's complaint and, to the extent it pertains to that need for expedition, the current financial condition of Jersey Central and GPU.

The nonavailability of a sizeable amount of GPU's native system generation over an extended period of time has forced the GPU companies to make many unanticipated purchases of replacement energy from various sources, including the purchase of economy energy from other members of the PJM Pool. According to GPU, these latter purchases have been made under the split savings rate specified in the Pool Agreement and have required GPU to pay up to 15 mills per kWh in excess of the incremental production costs of the suppliers. GPU and the New Jersey State officials charged with regulating the retail electric service of Jersey Central, one of GPU's subsidiaries, assert that the rates for such purchases have contributed to a worsening of the financial condition of Jersey Central and GPU.

The Commission believes that there exists reasonable cause for the Commission to undertake extraordinary procedures for consideration of GPU's Complaint and Motion. The hazards of not moving ahead expeditiously when immediate relief may be necessary are much greater than the problems of taking extraordinary steps to prosecute the complaint. While we have not yet had an opportunity to fully review all of the petitions to intervene, comments and protest filed in this proceeding, the Commission is hopeful that a full statement of the matter can be attained.

Accordingly, the Commission finds it reasonable to ask that all parties to the proceeding convene at an early time for the purpose of reviewing with senior Commission advisory staff designated to preside at such settlement talks the issues involved in this docket and the prospects for early resolution. To this end, the Commission orders that a conference of the parties be held in the Commission offices on Thursday, May 8, 1980, at 10:00 a.m. in Hearing Room A.

The Commission orders: (1) That all persons filed by May 1, 1980, Petitions to Intervene in this proceeding are hereby permitted to intervene, or, where appropriate, having filed timely Notice of Intervention, are considered intervenors. All intervenors are subject to the Rules and Regulations of the Commission; *provided however,* that participation of such intervenors shall be limited to the matters set forth in their Petitions to Intervene/Notices of Intervention; and *provided further,* that the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors might be aggrieved by any orders entered in this proceeding.

(2) That the parties meet on Thursday, May 8, 1980, at 10:00 a.m., in Hearing Room A of the Commission offices, 825 North Capitol Street, NE., Washington, D.C., to review with the Director of the Office of Electric Power Regulation and the Chief Advisory Counsel the issues involved in the General Public Utilities Corporation's Complaint, Request for Investigation and Motion for Issuance of Interim Order and for the purposes of seeking an early settlement of all issues. The designated staff are empowered to alter this schedule and to schedule such further conferences of the interested parties as may be in the staff's discretion advisable.

(3) That the Director of the Office of Electric Power Regulation and the Chief Advisory Counsel report to the Commission no later than Wednesday, May 14, 1980, on the status of this proceeding and any recommendations they may have for further procedures.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14523 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[1] GPU has three operating subsidiaries marketing electric power at retail and wholesale in the States of New Jersey and Pennsylvania: Metropolitan Edison Company (Met Ed), Pennsylvania Electric Company (Penelec) and Jersey Central Power and Light Company (Jersey Central). All three companies are members of PJM.

[2] Jersey Central and Penelec each owns an undivided 25% interest in the Three Mile Island Generating Units No. 1 and 2 (TMI 1 and TMI 2). Met Ed owns the remaining 50% interest. TMI 2 has been inoperable since the March 28, 1979 incident. TMI 1 has not been operated since that date. The three GPU subsidiaries have found it necessary to make extensive purchases of electric power to replace that power which they otherwise would have generated at the TMI units. These are characterized by GPU as being "additional" to the purchases originally contemplated in the design of the "split savings" tariff.

[3] Potomac Electric Power Company, Maryland People's Counsel, Public Service Electric and Gas Company, Public Service Commission of the District of Columbia, Baltimore Gas and Electric Company, Pennsylvania Public Utility Commission, Long Island Lighting Company, New Jersey Department of the Public Advocate, Delmarva Power and Light Company, Orange and Rockland Utilities, Inc., General Motors Corporation, Niagara Mohawk Power Corporation, the Borough of Lansdale, Pennsylvania, the U.S. Office of Consumer Affairs, Atlantic City Electric Company, New York State Electric and Gas Corporation, Peoples Counsel of the District of Columbia, Lukens Steel Company, Georgia Power Company, Pennsylvania Power and Light Company, and Philadelphia Electric Company.

[Docket No. RP79-86]

Gulf Energy & Development Corp.; Informal Conference

May 5, 1980.

Take notice that an informal conference will be convened in the above captioned proceeding at 9:00 a.m. on Tuesday, May 20, 1980. The purpose of the conference is to discuss the issues in the proceeding in an attempt to define and limit the scope of the issues and possibly reach a settlement. Customers and other interested parties are invited to attend, however, participation will be limited to those parties which have been previously admitted as intervenors and mere attendance will not be sufficient to gain the status of an intervenor. The conference will be held in Room 8402 of the offices of the Federal Energy Regulatory Commission located at 825 North Capitol Street NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14524 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3081, 3082, 3083, 3084, and 3085

KAMO Electric Coop., Inc.; Applications for Preliminary Permit

May 5, 1980.

Take notice that five applications for preliminary permits were filed on March 14, 1980, under the Federal Power Act, 16 U.S.C. § 791(a)—825(r), by the KAMO Electric Cooperative, Inc. (Applicant). The projects, to be known as the Chouteau, Newt Graham, Kaw, Mayo, and Oologah Projects, would be located in Oklahoma. The Choteau and Newt Graham Projects would be on the Verdigris River in Wagoner County. The Kaw and Mayo Projects would be located on the Arkansas River in Kay and Sequoyah Counties, respectively. The Oologah Project would be located on the Verdigris River in Rogers and Nowata Counties. Correspondence with the Applicant on these applications should be addressed to: Mr. Dean Sanger, General Manager, KAMO Electric Cooperative, Inc., 900 South Wilson, Vinita, Oklahoma 74301.

Purpose of projects—Energy from all projects would be sold to and distributed by four regional electric cooperatives.

Proposed scope and cost of studies under permit—Applicant seeks issuance of preliminary permits, each for a period of 36 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the projects, reach final agreement on sales of the projects' power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the projects, and prepare applications for FERC licenses, including environmental reports. Applicant estimates that the cost of studies under each of the permits would be approximately $50,000.

Descriptions of the project—All projects would utilize dams under jurisdiction of the Corps of Engineers.

Chouteau project No. 3081 would consist of: (1) a new powerhouse 35 feet long and 25 feet wide containing one turbine/generator rated at 1.0 MW when operating under a head of 22 feet; (2) a new 2.0-mile long 115-kV transmission line; and (3) a new step-up substation. Applicant estimates that annual generation would average 5,000 kWh.

Newt Graham project No. 3082 would consist of: (1) a new powerhouse 50 feet long and 30 feet wide containing one turbine/generator rated at 1.0 MW operating under a head of 21 feet; (2) a new 10.0-mile long 115-kV transmission line; and (3) a new step-up substation. The Applicant estimates that annual generation would average 5,000,000 kWh.

Kaw project No. 3083 Would consist of: (1) a new powerhouse 45 feet long and 30 feet wide containing one turbine/generator rated at 5.0 MW operating under a head of 60 feet; (2) a new 10.0-mile long 115-kV transmission line; and (3) a new step-up substation. The Applicant estimates that annual generation would average 23,000,000.

Mayo project No. 3084 would consist of: (1) a new powerhouse 120 feet long and 75 feet wide containing three turbine/generators rated at 8.0 MW operating under a head of 18 feet; (2) one 14.0-mile long 115-kV transmission line; and (3) a new step-up substation. The Applicant estimates that annual generation would average 140,000,000 kWh.

Oologah project No. 3085 would consist of: (1) a new powerhouse 30 feet long and 25 feet wide containing one turbine/generator rated at 2.5 MW operating under a head of 50 feet; (2) a new 10.0-mile long 115-kV transmission line; and (3) a new step-up substation. Applicant estimates that annual generation would average 10,000,000 kWh.

Purpose of preliminary permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Agency comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the applications may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 7, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 5, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), *as amended*, 44 FR 61328, October 25, 1979).

Comments, protests, or petitions to intervene—Anyone desiring to be heard or to make any protest about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before July 7, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The applications are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14525 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-90]

State of Kansas and Amoco; Request for Withdrawal

Issued: May 5, 1980.

In the matter of State of Kansas, Section 108 NGPA Determination, Amoco Production Company, Eyman Gas Unit "B" No. 1 Well, Kansas Docket No. K-79-0657, JD No. 80-0466-3.

Take notice that on March 25, 1980, Amoco Production Company (Amoco) filed with the Commission a request to withdraw its application for section 108 well category determination under the Natural Gas Policy Act of 1978 for the Eyman Gas Unit "B" No. 1 Well. The determination for such well became final by operation of § 275.202 of the Commission's regulations prior to the date upon which Amoco made such request. The application states no reason for the requested withdrawal.

Any person desiring to be heard or to make any protest to such request should on or before June 4, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14526 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-89]

Kentucky West Virginia Gas Co.; Proposed Change in Tariff Sheets

May 2, 1980.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on April 24, 1980, tendered for filing with the Commission the following revised tariff sheets to Kentucky West's FERC Gas Tariff, First Revised Volume No. 1, to become effective June 1, 1980.

Original Sheet No. 29
Original Sheet No. 30-37

The proposed tariff changes establish a Severance Tax Adjustment Clause to semiannually adjust on May 1 and November 1 the rates and charges applicable to Rate Schedules PLS-1 and GSS-1 to amortize the balance in Kentucky West's unrecovered Severance Tax Cost Sub Account 186.2 which records monthly payments by Kentucky West of severance taxes under Kentucky Revised Statutes Chapter 143A, effective June 1, 1980, with respect to gas produced from Kentucky West's wells drilled prior to January 1, 1973 on leases acquired prior to October 8, 1969.

Kentucky West states that a copy of its filing has been served upon Kentucky West's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14527 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3018]

Thomas M. McMaster and Robert L. Schroder; Application for Preliminary Permit

May 5, 1980.

Take notice that on December 28, 1979, Thomas M. McMaster and Robert L. Schroder of Mt. Vernon, Washington, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)-825(r)] for a proposed water power project to be known as the Rocky Creek Water Power Project, FERC No. 3018, on the Rocky Creek and its tributary Sulphur Creek in the County of Whatcom, Washington. The proposed project would occupy lands of the United States within the Mt. Baker National Forest. Correspondence with the Applicants should be directed to: Messrs. Thomas M. McMaster and Robert L. Schroder, P.O. Box 1252, Mt. Vernon, Washington 98273.

Project Description—The proposed project would consist of: (a) the existing 60-foot-long and 15-foot-high Sulphur Creek Diversion Dam (to be rebuilt); (b) an approximately 1,000-foot-long existing diversion channel carrying water from the diversion dam to a point in Rocky Creek approximately 1 mile upstream of the existing Rocky Creek Dam; (c) the existing 50-foot-long and 55-foot-high Rocky Creek Dam forming; (d) the Rocky Creek Reservoir with gross storage capacity of 80 acre-feet; (e) a proposed 3,000-foot-long penstock, leading to; (f) a proposed powerhouse containing hydroelectric generating facilities with a total rated capacity of 3,000 kW and (g) a tap to the Puget Sound Power and Light Company's existing transmission lines in the area.

Proposed Use of Project Power—Project energy would be sold to Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicants have requested an 18-month preliminary permit to prepare a definitive project report, including preliminary designs and results of environmental data. The cost of preparing the report, along with the preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies and the buyer of energy, preparing a license application and final field surveys and designs, is estimated by Applicants to be about $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks an 18-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be

made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 7, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 5, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protests, or petition to intervene must be filed on or before July 7, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 02426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14528 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-96]

Montana-Dakota Utilities Co.; Proposed Change in Rates

May 5, 1980.

Montana-Dakota Utilities Co., ("MDU"), 400 North Fourth Street, Bismarck, North Dakota, filed on April 30, 1980, proposed increased rates for its jurisdictional customers, Wyoming Gas Company, Byron Gas Service, and Northern Gas Company. The proposed effective date is June 1, 1980.

Increased revenues from the rates as proposed would amount to $32,232 annually.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 23, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14529 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. TA80-2-49 (PGA80-2, PGA80-2a)]

Montana-Dakota Utilities Co.; Order Accepting for Filing and Suspending Rate Increase, Subject to Condition, and Granting Waiver

Issued: May 2, 1980.

On March 31, 1980 [1], as amended on April 3, 1980 [2], Montana-Dakota Utilities Company (MDU) filed revised tariff sheets reflecting a 17.359 cents per Mcf increase in commodity rates to reflect an increase of $10,609,768 in the costs of gas purchased from producers. Many of the producer increases were escalated pursuant to area rate clauses. Additionally, MDU's filing includes a 1.81 cents per Mcf decrease in the surcharge (from negative 4.678 cents to a negative 6.488 cents) to reflect overcollection of purchased gas costs of $26,964.

On November 1, 1979, MDU filed in Docket No. SA80-22 an application pursuant to Section 502(c) of the NGPA for exemption from the incremental pricing provisions of the NGPA and from the Commission's Regulations thereunder. MDU reported that due to the small number of non-exempt customers they serve, compliance with the regulations would create a special hardship. By order issued March 28, 1980, in Docket No. SA80-22, the Director, Office of Pipeline and Producer Regulation denied MDU's application for exemption. The order required MDU to make the appropriate tariff provision and rate filings under the Commission's incremental pricing regulations to be effective May 1, 1980. MDU's present filing does not reflect the changes required by the March 28th order nor does it indicate when MDU will so comply.

Based upon a review of MDU's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall suspend MDU's PGA increase filing of March 31, 1980, as amended on April 3, 1980, permitting it to become effective May 1, 1980, subject to MDU's filing, within 15 days of issuance of this order tariff provisions implementing incremental pricing. Should MDU not comply with this condition within the time specified, the filing shall be deemed rejected.

As indicated above, MDU's filing includes increases pursuant to area rate clauses in the contracts between MDU and its producer-suppliers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. That determination shall be made in accordance with the procedures prescribed in Order 23, as amended by subsequent orders, in Docket No. RM79-22. Should it be ultimately determined that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to the pipeline shall be flowed through to ratepayers in accordance with the procedures prescribed in the pipeline's PGA clause.

The Commission Orders:

(A) MDU's April 3, 1980 filing containing Substitute Thirteenth Revised Sheet No. 3A to FERC Gas Tariff Original Volume No. 4; Substitute Sixth Revised Sheet No. 10 to FERC Gas Tariff First Revised Volume No. 2 replacing MDU's Thirteenth Revised Sheet No. 3A to FERC Gas Tariff Original Volume No. 4; Substitute Sixth Revised Sheet No. 10 to FERC Gas Tariff, First Revised Volume No. 2 filed on March 31, 1980 is accepted for filing and suspended, and waiver of notice requirements is granted such that the filing shall become effective May 1,

[1] Thirteenth Revised Sheet No. 3A to FERC Gas Tariff, Original Volume No. 4 and Sixth Revised Sheet No. 10 to FERC Gas Tariff, First Revised Volume No. 2.

[2] Substitute Thirteenth Revised Sheet No. 3A to FERC Gas Tariff, Original Volume No. 4; Substitute Sixth Revised Sheet No. 10 to FERC Gas Tariff, First Revised Volume No. 2. MDU's amended filing of April 3, 1980, was made to correct a mistake in calculation of certain purchased gas costs contained in the March 31, 1980 filing. The correction resulted in a .883 cents decrease from its March 31, 1980 filing.

1980, subject to refund, and subject to the conditions enumerated in the body of this order and the ordering paragraph below.

(B) MDU shall file within 15 days of the issuance of this order tariff sheets implementing incremental pricing. Should MDU not comply with this condition within the time specified, the filing shall be deemed rejected.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14530 Filed 5-9-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-89]

U.S. Geological Survey and Conoco, Inc.; Request for Withdrawal

Issued: May 5, 1980.

In the matter of U.S. Geological Survey, Oklahoma, Section 108 NGPA Determination, Conoco, Inc., L. Arhalokoche No. 1, USGS Docket No. OK-19-9, JD No. 79-3043.

Take notice that on March 28, 1980, the U.S. Geological Survey, Oklahoma, filed with the Commission a request by Conoco, Inc. (Conoco) to withdraw Conoco's application for section 108 well category determination under the Natural Gas Policy Act of 1978 for the L. Arhalohocke No. 1 Well. The determination for such well became final by operation of § 275.202 of the Commission's regulations prior to the date upon which Conoco made such request. The application does not state a reason for the requested withdrawal.

Any person desiring to be heard or to make any protest to such request should on or before June 4, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14544 Filed 5-9-79; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP75-104 and CP76-118]

High Island Offshore System U-T Offshore System; Order Naming Party Respondents, Denying Request for Issuance of Temporary Certificates, Consolidating Proceedings, Instituting Investigation, Setting Matters for Hearing, Providing for Pre-Hearing Conference, Granting Interventions and Establishing Procedures

Issued: April 28, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

On August 21, 1979, High Island Offshore System (HIOS) filed pursuant to Section 7(c) of the Natural Gas Act and Part 157 of the Federal Energy Regulatory Commission's (Commission) Regulations and Section 1.7 of the Commission's Rules of Practice and Procedure a petition to further amend the certificate of public convenience and necessity issued to HIOS by order dated June 4, 1976, as amended [1] in Docket Nos. CP75-104, *et al.* HIOS seeks to amend its certificate in order to increase its certificated firm capacity from 989,000 Mcf per day to 1,362,400 Mcf per day and to render interruptible overrun service to the extent that it may have capacity available from time to time. The increased capacity necessary to transport these additional volumes can be attained by minor additions to HIOS' existing facilities. HIOS further requests, pending final Commission determination relative to its petition, that the Commission issue it a temporary certificate to construct and operate certain facilities and to transport the additional volumes as more fully described herein.

On February 5, 1979, October 17, 1979, and November 21, 1979, U. T. Offshore System (U-TOS) filed pursuant to Section 7(c) of the Natural Gas Act, Section 157, *et seq.* of the Commission's Regulations and Section 1.7 of the Commission's Rules of practice and Procedure petitions to further amend the certificate of public convenience and necessity granted to U-TOS in Docket No. CP76-118 by order issued January 13, 1977, as amended. The purpose of the instant petitions is to amend U-TOS' certificate to authorize the construction, installation and operation of additional onshore facilities which will increase the capacity of its system to approximately 1,200,000 Mcf per day. The additional capacity requested is needed to enable U-TOS to transport the additional volume of natural gas that its shippers anticipate making available to it as a result of HIOS' petition to amend its certificate in Docket No. CP75-104.

[1] Amending Orders were issued July 20, 1976; December 6, 1976; June 12, 1978; June 21, 1978 and December 22, 1978.

Proposed Facilities and Service of HIOS

HIOS proposes to increase both its certificated firm and its maximum delivery capability by undertaking a minor modification of its existing Frame 5 Compressor. The proposed increase in capacity from 988,000 Mcf per day to 1,362,400 Mcf per day of firm capacity can be achieved by uprating its existing Frame 5 unit from 21,700 hp., and operating the uprated Frame 5 unit while maintaining both Frame 3, 12,200 hp. compressors as standby units.[2] Uprating the Frame 5 unit and operating all of HIOS' compressors will yield a maximum capability of approximately 1,800,000 Mcf per day.

A capital expenditure of $389,180 is estimated for the uprating of the Frame 5 compressor and HIOS proposes to install additional liquid handling facilities at Block 167, the estimated cost of which is $829,460.

The following table shows the proposed increased contract demands for the various HIOS Shippers.

Table A.—*HIOS Contract Demands*

[Thousand Cubic Feet Per Day] [1]

Shipper	Original	Current	Proposed
Natural [3]	197,600	135,300	186,600
Transco [3]	197,600	135,300	186,600
United [3]	185,600	127,100	175,300
United [3] (Short Haul) [2]	30,000	20,500	28,300
Columbia	61,000	41,800	57,600
Consolidated	37,500	25,700	35,400
Tennessee	23,000	15,700	21,700
El Paso	40,000	27,400	37,800
Trunkline	200,000	137,000	188,900
Northern	35,000	24,000	33,000
Northern (Short Haul) [2]	95,000	65,000	89,700
National Fuel	8,300	5,700	7,800
Michigan Wisconsin [3]	197,600	135,300	186,600
Texas Gas [3]	197,600	135,300	186,600
Southern (Short Haul) [2]	30,000	20,500	28,300
Total	1,535,600	1,051,600	1,450,200

[1] The effective capacity needed under the short haul agreements is only 40 percent of the contract demand volume. Therefore, HIOS proposes firm contract demands of 1,450,200 Mcfd utilizing 1,362,400 Mcfd of capacity.

[2] By order issued June 4, 1976, HIOS was authorized to render transportaiion service for the affiliated shippers. Subsequently, the certificate was amended by order issued June 12, 1978, granting HIOS blanket authority to render transportation service for new shippers, within the limits of its authorized capacity.

[3] Affiliated shipper.

Proposed Facilities and Service of UTOS

HIOS' facilities terminate at West Cameron (WC) Block 167 offshore Louisiana. U-TOS was authorized to

[2] These minor modifications in facilities will permit HIOS to increase firm transportation service to 1,450,200 Mcf per day since it requires only 40 percent of its effective capacity under the short haul agreement that it has with certain shippers.

construct and operate approximately 30 miles of 42-inch pipeline and appurtenant facilities extending from a point of interconnection with the terminus of the HIOS system in WC Block 167 to a point of interconnection with the existing onshore facilities of Transco near Johnson's Bayou, Louisiana. By order issued on December 22, 1978, in the above-captioned docket U-TOS' existing certificate was amended permitting an increase in its authorized firm transportation quantities to 730,000 Mcf per day and also authorizing it to render interruptible overrun service to its shippers to the extent permitted by its existing facilities.

In its present petition to amend U-TOS requests authorization to construct additional facilities that are designed to increase the maximum capacity of the U-TOS system to approximately 1,200,000 Mcf of natural gas per day. U-TOS' system does not have sufficient liquid separation, dehydration and measurement facilities to accommodate the increased volumes it requests to transport in its petition to amend. It estimates that such new facilities will cost approximately $6,600,000.

The following table shows the proposed increased contract demands for the various U-TOS shippers.

Table B.—*U-T Contract Demands [thousand cubic feet per day]* [1]

Shipper	Original	Current	Proposed
Natural [2]	196,640	131,530	185,730
Transco [2]	196,640	131,530	185,730
United [2]	196,640	143,500	202,640
Columbia	61,000	40,620	57,330
Consolidated	37,500	24,950	35,230
Tennessee	23,000	15,270	21,600
El Paso	29,000	17,560	30,320
Trunkline	200,000	133,130	188,010
Northern	135,000	86,420	122,130
National Fuel	8,300	5,490	7,760
Total	1,083,720	730,000	1,036,480

[1] HIOS volumes attributed to Michigan Wisconsin, Texas Gas, and Southern and a portion of El Paso's volumes are transported onshore through Michigan Wisconsin's facilities. This accounts for the disparity between the proposed contract demands shown for HIOS and the proposed contract demands shown for U-TOS.

[2] Affiliated shipper.

Proposed Allocation of Capacity

HIOS was initially authorized to transport gas for five shippers [3] affiliated with the HIOS partners and these shippers were allocated equal shares of the 988,000 Mcf per day of system capacity. U-TOS was initially authorized to transport gas for three shippers [4] affiliated with the U-TOS partners and these shippers were allocated equal shares of the initial 589,000 Mcf per day of system capacity. Subsequently the Commission granted HIOS and U-TOS blanket authority to render transportation service within the limits of authorized capacity for non-affiliated shippers.[5]

HIOS proposes to allocate the increased capacity in accordance with the provisions of its currently effective FERC tariff.[6] Under Section 2.2 each HIOS shipper is assigned an original contract demand. Each affiliated shipper's original contract demand is based upon its respective affiliate's equal ownership percentage in HIOS. The new shipper is assigned an original contract demand resulting from the transportation agreement negotiated between the shippers and the offshore pipelines. When capacity must be reallocated due to the addition of new shippers, HIOS pro-rates the change in each shipper's allocation on the basis of the shipper's original contract demand.[7] Since HIOS is the sole source of U-TOS transportation volumes, capacity allocation on U-TOS system is geared to its shippers' HIOS contract demand adjusted for fuel use and line loss.

Columbia Gas Transmission Company (Columbia), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Tenneco Oil Company (Tenneco) filed petitions to intervene requesting formal hearings be convened with respect to the proposed allocation of capacity on HIOS' system.[8]

Columbia contends that HIOS' existing and proposed allocations do not meet its present or future needs and do not offer it the nondiscriminatory access and use contemplated under existing law and orders issued by the Commission. Columbia notes that since July 1, 1978, it has shipped an average of 107,950 Mcf per day through HIOS by utilizing the excess capacity of other shippers. Columbia asserts that the method of allocating capacity to it in HIOS discriminates against it and favors other shippers which apparently have no need for their full allocated capacity. Columbia has a current allocation of 41,800 Mcf per day. Columbia does not oppose the issuance of a temporary certificate if conditioned as requested by Columbia.

Tennessee and Tenneco also request a formal hearing to determine the proper allocation of capacity in HIOS consistent with Tennessee's needs. Tennessee contends that it requires 200,000 Mcf per day of capacity and will only be allocated 21,700 Mcf per day under the amended certificate proposed by HIOS. Due to the limitation placed upon Tennessee's capacity allocation, Tenneco contends that it must reduce its current daily deliverability to Tennessee resulting in certain of its production blocks being drained. Tenneco urges that the proposed allocation should give consideration to ratable takes from all shippers in competitive reservoirs to insure protection of correlative rights.

Tennessee does not oppose the issuance of a temporary certificate for the construction of the proposed facilities. However, it voices opposition to the issuance of a temporary certificate authorizing the operation of such facilities in the manner proposed by HIOS.

The above allegations raise serious questions with respect to the current and proposed allocations of capacity among the various shippers on the systems of HIOS and U-TOS. The Commission will therefore institute by this order an investigation under Section 5 of the Natural Gas Act in order to determine whether the current allocations of capacity and the increases proposed in the petitions to amend in the instant proceedings are appropriate. In view of the above-contentions, a formal hearing should be convened in order to determine whether the methods for allocating capacity proposed herein by HIOS and U-TOS are appropriate.[9]

[3] Michigan Wisconsin Pipe Line Company (Michigan-Wisconsin), Texas Gas Transmission Corporation (Texas Gas), Transcontinental Gas Pipe Line Corporation (Transco), United Gas Pipeline Company (United) and Natural Gas Pipeline Company of America (Natural).

[4] Transco, United and Natural.

[5] Currently HIOS has firm capacity of 988,000 Mcf per day allocated to 13 shippers. U-TOS' 730,000 Mcf per day capacity is allocated to 10 shippers. We have set forth in Tables A & B hereto, the original contract demands, the current contract demand contract demands of the HIOS and U-TOS shippers proposed herein.

[6] See Paragraph 2.2 of the "T" Rate Schedules in HIOS' FERC Gas Tariff Original Volume No. 2. U-TOS proposes to render increased firm transportation services to its Shippers as proposed in Table B, *supra*. U-TOS notes in its application that it anticipates that the present conformity between the U-TOS' shippers contract demands on the HIOS system and on the U-TOS system will be maintained.

[7] HIOS proposes with respect to the increased capacity requested herein that each shipper's current contract demand be increased by applying the ratio of its original contract demand to the total original contract demand to the proposed increase in capacity. Decreases as a result of new shippers being accommodated are apportioned in the same manner.

[8] Petitions to intervene in Docket No. CP75-104, *et al.* were filed by Tennessee and Columbia on October 17, 1979, and further supplemented on January 23, 1980, and March 18, 1980, and on January 15, 1980, respectively. Tenneco's petition was filed October 17, 1979.

[9] On March 5, 1980, Transco filed a motion requesting that expedited consideration be given to HIOS' request for a temporary certificate and that a prompt hearing be provided on the allocation issue. An issue to be addressed at the Section 5 hearing provided for herein is whether the current methods of allocating capacity by HIOS and U-TOS are unduly discriminatory.

The primary purpose of these proceedings is to allocate both HIOS' and U-TOS' existing and proposed capacity among the various shippers that utilize these systems to transport natural gas. Even though allocations may not be made wholly on the basis of the proven reserves to which the individual shippers are contractually entitled in the geographic area proximate to HIOS' facilities, they are essential to the allocation determination that will be made in these proceedings. This information is within the particular and peculiar knowledge of the various shippers that require the services of HIOS and U-TOS to transport their natural gas to shore. The Commission will therefore require each shipper utilizing capacity on HIOS and U-TOS to provide the Commission's staff within thirty days after the issuance of this order the volume of proven reserves it claims in the High Island Offshore area and copies of all workpapers used to compute such reserves. In addition, these shippers shall provide the staff with the projected deliverability anticipated over the life of these reserves, and the contractual limitations in their gas producer contracts regarding their obligations to take and/or receive gas. (See Appendix A for details relating to the presentation of this material.) All of the workpapers and data received by the staff as provided for herein will be subject to the Natural Gas Act and all of the rules and regulations of the Commission thereunder, including specifically Section 2.72. In order to make the relevant reserve data and other information accessible and to assure that this information is incorporated into the record the HIOS and U-TOS shippers shall be made parties respondent to these proceedings.

In their respective petitions to amend HIOS and U–TOS request that their existing depreciation rate of 7.14 percent be modified to permit the computation of depreciation expense on a unit of production basis. However, HIOS' and U–TOS' existing depreciation rates cannot be modified through the issuance of an amended certificate in this proceeding because any change in depreciation would in fact be a change in rate and should be considered in a proceeding instituted under Section 4. In the June 4, 1976, order authorizing the construction of HIOS' system a condition was imposed requiring that HIOS' rates be predicated upon the depletion of 5.0 Tcf of recoverable reserves. The HIOS rate methodology was also applied to the U–TOS system and the certificate issued to U–TOS was conditioned accordingly. The Commission will afford HIOS and U–TOS the opportunity in the formal hearing to be convened by this order to demonstrate that the imposition of the 5 Tcf condition is no longer consistent with the public interest and that the modification thereof will not adversely affect the consuming public. If a modification of the 5 Tcf condition imposed in the initial HIOS certificate proceeding is authorized in this proceeding, this will not *per se* authorize HIOS to alter its depreciation rate.[10]

Both Brooklyn Union Gas Company (BUG) and New Jersey Natural Gas Company (NJN) filed petitions to intervene requesting that the petitions to amend filed herein be set for formal hearing. BUG in its request for a formal hearing raises a number of issues that it feels warrant consideration in the hearing that will be provided for herein. Included is the rapid depletion issue that was also raised by NJN.

To the extent that BUG and NJN raise an issue with broad applicability to the natural gas industry as a whole, it is inappropriate for consideration in this narrow proceeding. Nevertheless, with respect to the specific shippers involved here, it may be proper to consider the issue of rate of depletion in this proceeding involving requested increases in capacity of the HIOS and U–TOS systems. BUG and NJN, therefore, will be permitted to present evidence on this issue as it applies to these specific proceedings.

After due notice by publication in the **Federal Register** on October 2, 1979 (44 FR 56802) of HIOS' petition to amend in Docket Nos. CP75–104, *et al.* the following petitions to intervene were filed.

Docket No. CP75–104, et al.

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
Brooklyn Union Gas Company
Philadelphia Gas Works
Columbia Gas Transmission Corporation
Public Service Electric and Gas Company
Tenneco Oil Company
United Gas Pipe Line Company
Northern Natural Gas Company of New York[11]
Consolidated Edison Company[11]
Trunkline Gas Company[11]
ARCO Oil & Gas Company, a Division of Atlantic Richfield Company[11]
Mesa Petroleum Company[11]
Pennzoil Producing Company[11]
Pennzoil Oil & Gas Inc.[11]
Texas Gas Transmission Corporation[11]
New Jersey Natural Gas Company
North Carolina Utilities Commission[11]
Philadelphia Electric Company[11]
Wisconsin Natural Gas Company[11]
Amoco Production Company[11]
Pogo Producing Company[11]
Indiana Gas Company, Inc.[11] and
Ohio River Pipeline Corporation[11]

After due notice by publication in the **Federal Register** on March 8, 1979 (44 FR 12753), November 16, 1979 (44 FR 66050), and January 11, 1980 (45 FR 2385) of U–TOS' petition to amend in Docket No. CP76–118 the following petitions to intervene were filed.

Docket No. CP76–118

Philadelphia Gas Works
National Fuel Gas Supply Corporation
Columbia Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Natural Gas Pipeline Company of America
United Gas Pipe Line Company
Tennessee Gas Pipeline Company, A Division of Tenneco Inc.
New Jersey Natural Gas Company

In view of the necessity to consolidate the above-styled proceedings for purposes of hearing and the interdependence of the applications of HIOS and U–TOS, the Commission will permit a petitioner requesting to intervene in only one of the consolidated dockets the right to full intervention and participation in both of the consolidated dockets.

With respect to the hearing provided for herein, the Commission shall direct the convening of a prehearing conference within 10 days of the issuance of this order so that the parties and the Commission staff may promptly enter into discussions concerning the issue of immediate construction of the proposed facilities. The Commission believes the public interest requires the parties' consideration as to whether and under what terms and conditions such construction can proceed while other issues such as allocation, modification of the 5 Tcf condition, and rapid depletion of reserves are considered. If the parties are successful in reaching agreement on the issue of prompt

[10] The 5 Tcf condition was predicated upon the proven, probable and potential reserves underlying the HIOS area. HIOS should provide the record in these proceedings with its projections of the probable and potential reserves for the HIOS area and indicate the specific locations involved in its projections. This material is required with respect to HIOS' request for an amended certificate.

[11] The petitions to intervene of the noted companies were filed late. However, these companies were previously authorized to intervene in Docket No. CP75–104, *et al.* and either assumed that they would be granted the continued right to intervene or have provided sufficient reason to justify their late intervention.

construction, they may immediately file such a settlement pursuant to the terms of Section 1.18 of the Commission's Rules. While the Commission is particularly desirous of a prompt resolution of the construction issue, it emphasizes that other issues should also receive serious settlement consideration by the parties.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that an investigation and hearing be instituted for the purpose of determining the proper allocation of capacity on the system of HIOS and U–TOS as more fully set forth in the text of this order.

(2) It is necessary and proper and in the public interest that the above-styled proceedings be consolidated for the purpose of resolving the issues set forth herein.

(3) In order to obtain full information and ensure the participation of parties that have an interest and will be affected by the outcome of these proceedings, it is in the public interest to join as party respondents all of the HIOS and U–TOS shippers that are set forth in the context of this order.

(4) Good cause exists to permit the intervention of those petitioners that have filed late petitions to intervene.

(5) The participation of the above-named petitioners seeking intervention in the above-styled proceedings may be in the public interest.

(6) In the circumstances presented, no emergency exists warranting the issuance of temporary certificates as requested herein.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 5, 7, 14 and 16 thereof, and the Commission's Rules of Practice and Procedure, an investigation is hereby instituted to determine the appropriate allocation of capacity among the various shippers that utilize the service of HIOS and U–TOS as more fully described in the text of this order.

(B) The various shippers that utilize the services of HIOS and U–TOS shall provide the Commission Staff with the necessary reserve information as more specifically indicated herein.

(C) The proceedings in Docket Nos. CP75–104 and CP76–118 are consolidated for purposes of formal hearing.

(D) Pursuant to the authority conferred upon the Commission by the Natural Gas Act, particularly Sections 5, 7, 14 and 16 thereof, a prehearing conference shall be convened at 10:00 a.m. on May 8, 1980, in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. before an Administrative Law Judge for the purpose of establishing further procedural dates and to determine whether the issues raised by the pleadings can be reconciled without the need of extensive formal hearings.

(E) The requests for temporary certificate authorization by HIOS and U–TOS in these proceedings are denied.

(F) Petitioners seeking permission to intervene in Docket Nos. CP75–104 or CP76–118 are permitted to intervene in and participate fully in the above-styled consolidated proceedings, involving both Docket Nos. CP75–104 and Docket No. CP76–118, subject to the Rules and Regulations of the Commission, *Provided, however,* that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further,* that the admission of said interveners shall not be construed by the Commission that they have been aggrieved because of any order of the Commission issued in these proceedings.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

The individual HIOS and U–TOS shipper-respondents are to provide responses to the requests listed below. All of the responses provided by the shipper-respondents relative to reserves and their corresponding gas purchase contracts shall be made in the context of offshore areas and particular blocks, e.g., HIOS Block number 100.

(A) In instances where all of the reserves underlying a specific block or number of contiguous blocks are dedicated wholly to the named shipper the following information should be provided:

1. The offshore area and block or blocks involved by number.
2. Name of producer or producers from whom gas is being purchased.
3. Date of purchase gas contract.
4. Indicate if gas is presently flowing. If gas is not flowing, provide projected daily deliverability by year over life of reserves and estimated proven recoverable reserves.
5. Date on which gas first commenced to flow.
6. The volumes delivered as of December 31, 1979, under the contract.
7. The remaining recoverable reserves as of December 31, 1979, and projected daily deliverability by year over remaining life of reserves.
8. The maximum daily quantity under gas purchase contract. (Provide relevant rate schedule numbers.)
9. The maximum annual take obligations, if any, under gas purchase contract.
10. The minimum daily and annual, if any, take obligations under gas purchase contract. At what point are take or pay provisions activated?
11. The make-up period under take-or-pay provisions in purchase gas contract.
12. Are take obligations in producer gas purchase contracts predicated upon reserves? (Explain)
13. If gas is received in exchange on the HIOS and U–TOS systems for other gas delivered off of the systems, give details of the exchange including the identification of the blocks involved, the volumes involved, the term of the agreement, and dockets in which authorized.

(B) In instances where the reserves underlying one or more contiguous blocks are only partially dedicated to named shipper the following information should be provided:

1. The offshore area and block or blocks involved by number.
2. Name of the producer or producers from whom gas is being purchased.
3. Date of purchase gas contract.
4. Indicate whether gas is presently flowing. If gas is not flowing, provide projected daily deliverability by year over life of the reserves and estimated proven recoverable reserves.
5. Date on which gas first commenced to flow.
6. Percentage of production from blocks dedicated to shipper. (If production is restricted to specific reservoirs or depths underlying blocks indicated, provide details.) Indicate if producer reservation exists and the percentage of such reservation. Where there is a producer reservation but gas is not being transported for the producer, the shipper's prorata portion of the full production volume should be reported
7. The volume delivered as of December 31, 1979.
8. The proven remaining recoverable reserves as of December 31, 1979, and projected daily deliverability by year over the life of the reserves.
9. The maximum daily quantity under gas purchase contract. (Provide relevant rate schedule numbers.)
10. The maximum annual take obligations if any, under gas purchase contract.
11. The minimum daily and annual, if any, take obligations under gas purchase contract. At what point are take or pay provisions activated?
12. The make-up period under take-or-pay provisions under gas purchase contract.
13. Indicate whether shipper's producer is being drained because of shipper's lack of capacity in HIOS. Provide full details and volumes involved.
14. Are take obligations in producer contracts predicated upon reserves? (Explain)
15. If gas is received in exchange on the

HIOS and U-TOS systems for other gas delivered off of the systems, give details of the exchange including the identification of the blocks involved, the volumes involved, the term of the agreement and the dockets in which authorized.

(C) Provide a summary sheet showing:

(1) Total number of reserves delivered as of December 31, 1979, from HIOS' system to or for the account of named shipper.

(2) Named shipper's total remaining recoverable reserves as of December 31, 1979.

(3) Named shipper's total projected daily deliverability by year over remaining life of all its HIOS proven recoverable reserves.

[FR Doc. 80-14424 Filed 5-9-80; 8:45 a.m.]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1489-8; OPP-00116]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to Discuss the Subpart D, Chemistry Requirements of the Guidelines for Registering Pesticides in the United States and data gaps with 2,4-D. The meeting will be open to the public.

DATES: Wednesday, Thursday, and Friday, May 28, 29, and 30, 1980, from 9:00 a.m. to 5:00 p.m. daily.

ADDRESS: The meeting will be held in: Salons D and E, Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, VA 22202, 703/557-7560.

FOR FURTHER INFORMATION CONTACT: H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766), Office of Pesticide Programs, Rm. 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703/557-7560.

SUPPLEMENTARY INFORMATION: The agenda for this meeting is:

1. Formal review and conclusion by the Panel on proposed and final rulemaking concerning Subpart D—Chemistry Requirements: Product Chemistry, § 163.61; § 163.61-7, Tests for Detecting Presence of Potentially Toxic Ingredients (proposed); and Chemistry Requirements, § 163.61; and Product Chemistry, § 163.61-1 through -6, and -8 through -11 (final) of the Guidelines for Registering Pesticides in the United States;

2. Formal review on proposed rulemaking concerning Subpart L—Hazard Evaluation: Nontarget Insects;

3. Special review of data gaps concerning the pesticide 2,4-D. The review will encompass possible important data gaps with respect to reproductive effects, oncogenicity, mutagenicity, metabolism, and neurological effects;

4. Completion of any unfinished business from previous Panel meetings; and

5. In addition, the agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Copies of draft documents concerning items 1 and 2 may be obtained by contacting: Dr. William Preston, Hazard Evaluation Division (TS-769), Room 800, Crystal Mall, Building No. 2, at the address given above, telephone: 703/557-1405.

Information concerning item 3 may be obtained by contacting Dr. Peter McGrath, Hazard Evaluation Division (TS-769), Room 821, Crystal Mall, Building No. 2, at the address given above, telephone: 702/557-7351.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before or after the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirious of making oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than May 23, 1980. Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to be instructed on the format and the number of copies to submit to ensure appropriate consideration by the Panel.

The tentative date for the next Scientific Advisory Panel meeting is June 25-27, 1980.

(Sec. 25(d), as amended, (92 Stat. 819; 7 U.S.C. 136); (sec. 10(a)(2), 86 Stat. 770 (5 U.S.C. App.)).

Dated: May 2, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-14586 Filed 5-9-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 79-184]

Inquiry Into the Policies To Be Followed in the Authorization of Common Carrier Facilities To Meet North Atlantic Telecommunications Needs During the 1985-1995 Period; Order Setting Dates for Filing Responses to Second Notice of Inquiry

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: This order extends the times for filing responses and replies to Appendix 1 (planning information) and Appendix 2 (alternative, proposed facilities plans) in the Commission's inquiry into developing policies for authorizing facilities in the North Atlantic in the 1985-1995 period.

DATES: Responses to Appendix 1 are to be filed May 30, 1980.

Replies to Appendix 1 are to be filed June 27, 1980.

Responses to Appendix 2 are to be filed June 20, 1980.

Replies to Appendix 2 are to be filed June 24, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John F. Copes, International Facilities Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-3214.

Order

In the Matter of Inquiry into the Policies To Be Followed in the Authorization of Common Carrier Facilities to Meet North Atlantic Telecommunications Needs During the 1985-1995 Period, CC Docket No. 79-184. See 45 FR 21026, March 31, 1980.

Adopted: May 5, 1980.

Released: May 7, 1980.

1. On April 3, 1980, the Commission released its Second Notice of Inquiry in the above-captioned matter, FCC 80-143, —— F.C.C. 2d, —— in which it set forth the procedures it would follow in developing facilities-authorization policy for the period 1985-1995 and requested certain information for use in its deliberations. The Commission also requested the United States service carriers and the Communications Satellite Corporation to submit for its consideration alternative, proposed facilities construction and use plans. The Commission's order called for responses to its information request to be supplied on May 9, 1980, replies to

those submissions on May 23, 1980; the alternative, proposed plans to be submitted on June 6, 1980 and replies to the plans on July 3, 1980.

2. We have before us for consideration requests filed on May 1, 1980, by TRT Telecommunications Corporation (TRT), on behalf of itself and all the international record carriers, and Comsat seeking extension of one or more of the filing dates in this proceeding. TRT requests extension of the May 9, 1980 filing date for Appendix 1 until June 9, 1980 and the date for replies to those filings until June 23, 1980. Comsat seeks extension of the date for filing Appendix 2 until July 6, 1980 (with appropriate adjustments of the respective reply dates). In support of these requests, both TRT and Comsat state that they will be unable to prepare adequate responses to these appendices within the existing schedule. TRT also notes that IRC personnel responsible for these filings must attend a Pacific Cable planning meeting in Australia from May 7–14, 1980. Both parties assert that a grant of the requested extension will not compromise the Commission's planning effort.

3. In connection with these requests, we note that the Commission and other parties involved in North Atlantic planning have committed themselves to meet with senior-level representatives of the European and Canadian entities at Tours, France, on July 10–11, 1980. As a result, we have had to balance the carriers' requests for more time to prepare their responses against the need for the Commission to review those responses in preparation for the important discussions at Tours. Accordingly, we shall extend the time for filing Appendix 1 three weeks and that for Appendix 2 two weeks. While we are sympathetic to the IRC's and Comsat's efforts to prepare the most useful responses to the Commission's information requests, the above dates are the last ones on which the Commission can receive the information and have any time to review it before the Tours meeting.

4. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules and regulations, 47 CFR 0.291 (1979), that the responses to the Commission's Second Notice of Inquiry in CC Docket No. 79–184 shall be filed in accordance with the following schedule:

Responses to Appendix 1, May 30, 1980.
Reply Comments to Appendix 1, June 27, 1980.
Responses to Appendix 2, June 20, 1980.
Reply Comments to Appendix 2, July 24, 1980.

Federal Communications Commission.

James K. Smith,

Acting Chief/Common Carrier Bureau.

[FR Doc. 80-14589 Filed 5-9-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-616-DR]

Louisiana; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Louisiana (FEMA–616–DR), dated April 9, 1980, and related determinations.

DATED: April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634–7845.

NOTICE: The Notice of a major disaster for the State of Louisiana dated April 9, 1980, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 9, 1980.

The following Parishes have been designated for Individual Assistance only:

St. Martin
St. Mary
Terrebonne

(The Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-14450 Filed 5-9-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana, San Francisco, California; Chicago, Illinois; and San Jaun, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 2, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discrimatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statements should indicate that this has been done.

Agreement No. 2744–43.

Filing party: Seymour H. Kligler, Brauner Baron Rosenzweig Kligler, Sparber & Bauman, 120 Broadway, New York, New York 10005.

Summary: Agreement No. 2744–43 modifies the basic agreement of the Atlantic & Gulf/West Coast of South America Conference to add new language which would authorize members to establish uniform credit rules, and circulate through the Conferene office a list of shippers, forwarders or consignees in default therewith.

Agreement No. T–3899.

Filing party: R. J. Finnan, Chief Publishing, Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. T–3899 between Lykes Bros. Streamship Co., Inc. (Lykes) and Wilmington Shipping Company (Wilmington) provides that Wilmington will perform steverdoring services for Lykes at Wilmington, North Carolina, according to terms and conditions set forth in the agreement.

Agreement No. T–3903.

Filing party: F. J. Di Pietro, Port Manager, Port of Redwood City, 775 Harbor Boulevard, Redwood City, California 94063.

Summary: Agreement No. T–3903, between the Port of Redwood City (Port) and Lone Star Industries, Inc. (Lone Star), provides for the preferential assignment of Berth 1 at the Port to Lone Star for the purpose of receiving, handling, processing and shipping bulk cement and clinkers or other bulk commodities. As compensation, Lone Star will pay Port the applicable terminal tariff charges, up to $8100 per month. The term of the lease is for one year, with two additional one-year renewal options.

Agreement No. T–3904.

Filing party: James J. Mason, Attorney at Law, 1008 South Yakima, Tacoma, Washington 98405.

Summary: Agreement No. T-3904, between the Port of Tacoma (Port) and Totem Ocean Trailer Express, Inc. (Tote), provides for the lease to Tote at Alaska Terminal, Tacoma, of land, buildings, parking facilities as further described in the agreement as well as the grant of preferential berthing facilities at the Port's Alaska Terminal. The term of the agreement shall be for two years, with renewal options. Tote shall use the premises for the loading and discharging of their vessels and operations incidental thereto. As compensation Port will receive a base rental of $15,714 per month, plus $18,162.11 per month as a user fee for the preferential berthing rights which will be in lieu of all applicable tariff charges. Additionally, Tote will pay Port a monthly rental for all property and facilities purchased by Port in accordance with an ammortization schedule attached to the agreement.

Agreement No. 9548-20.

Filing party: Mark J. Fritz, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 9548-20 amends Article 12.2 of the basic agreement of the North Atlantic Mediterranean Freight Conference to provide that special meetings can be called whenever at least two additional members concur in writing or otherwise. Presently, the agreement does not specify the manner in which the required concurrences must be expressed.

Agreement No. 9735-13.

Filing party: John K. Cunningham, Executive Secretary, Atlantic Regional Committee, Steamship Operators Intermodal Committee, 11 Broadway—Suite 1460, New York, New York 10004.

Summary: Agreement No. 9735-13, among members of the Steamship Operators Intermodal Committee, desires to authorize its Executive Council to establish per diem charges and uniform free time allowances applicable to containers and related equipment of the parties.

By Order of the Federal Maritime Commission.

Dated: May 7, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-14562 Filed 5-9-80; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License No. 2224

Dunnington & Arnold International, Inc.; Order of Revocation

On Aprril 17, 1980, Dunnington and Arnold International, Inc., 74 Trinity Place, New York, New York 10006, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2224.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 210.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2224 issued to Dunnington and Arnold International, Inc., be and is hereby revoked effective April 17, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Dunnington and Arnold International, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-14561 Filed 5-9-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; 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 section 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 of interest, or 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 requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 5, 1980.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

1. The Conifer Group, Inc., Worcester Massachusetts (computer service activities; Massachusetts): to engage, through its de novo subsidiary, Conifer Computer Services, Inc., in operating commercial electronic computation service centers for carrying on a full range of data processing activities, including but not limited to, bookkeeping, accounting, clerical, tabulating, computing, payroll, accounts receivable and payable, billing, analytical and similar services. These activities would be conducted from offices in Worcester and Pittsfield serving Massachusetts.

2. First National Boston Corporation, Boston, Massachusetts (finance, factoring and leasing activities; Florida) through an existing indirect subsidiary, FNB Financial Company, to engage in the following activities: factoring, commercial financing, and personal property leasing. FNB Financial Company is a wholly-owned subsidiary of FSC Corp., a wholly-owned subsidiary of First National Boston Corporation. The above-described activities would be performed *de novo* by FNB Financial Corporation, 406 Reo Street, Tampa, Florida and would be engaged in pursuant to Section 225.4(a)(1) and (6) of Federal Reserve Regulation Y (12 CFR 225.4(a)(1) and (6)). The proposed service area for the de novo office would be the states of Alabama, Florida, and Georgia. Comments on this application must be received by June 2, 1980.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Viola Insurance Agency, Inc., Viola, Wisconsin (insurance activities, Wisconsin): to retain its insurance agency, Viola Insurance Agency, Viola, Wisconsin, and to continue to engage in the sale of general insurance in a town with a population of less than 5,000. These activities would be conducted from an office in Viola, Wisconsin, serving the village of Viola, Wisconsin and the surrounding rural area. Comments on this application must be received by May 29, 1980.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 5, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14551 Filed 5-9-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; 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 section 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 of interest, or 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 requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 2, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Barclays Bank, Limited and its subsidiary, Barclays Bank International, Limited, each a bank holding company whose principal office is in London, England (financing and insurance activities in North Carolina, South Carolina and Tennessee, and the sale at retail of travelers checks in South Carolina): to engage through their subsidiary, BarclaysAmericanCorporation ("BAC"), and BAC's subsidiary, BarclaysAmerican/Financial, Inc. ("BAFI"), in (i) making direct consumer loans and purchasing of sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning), (ii) acting as agent for the sale of related credit life, credit accident and health and credit property insurance, and (iii) selling at retail travelers checks issued by Barclays Bank International Limited. These activities would be conducted from offices of BAC in Charlotte, North Carolina, Laurens, South Carolina, and Chattanooga, Tennessee and an office of BAFI in Bristol, Tennessee (except that the selling at retail of travelers checks will only be conducted at the BAC office in Laurens, South Carolina), each such office serving portions of the county in which such office is located and in certain cases portions of contiguous counties.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

This notice is a republication of a previous **Federal Register** document (FR Doc. 80-12806) published at page 27988 of the issue for Friday, April 25, 1980.

Financial Services Corporation of the Midwest, Rock Island, Illinois (financing and insurance activities; Illinois): to engage, through its subsidiary, The Money Shops, Inc., in making consumer installment personal loans, purchasing consumer installment sales finance contracts and acting as agent for the sale of credit life, credit accident and credit health insurance directly related to its extensions of credit and the sale of money orders with maximum face value of $1,000. These activities would be conducted from an office in Loves Park, and Moline, Illinois, serving an area within a twenty-five mile radius of each of the proposed offices. Comments on this application must be received by May 17, 1980.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. U.S. Bancorp, Portland, Oregon (financing and insurance activities; Oregon): to engage through its subsidiary, U.S. Creditcorp, in making, acquiring and serving of loans and other extensions of credit for its own account or for the account of others, including the making of consumer installment loans, purchasing consumer installment and real state sales finance contracts and evidences of debt and making industrial loans, and acting as an insurance agent for the sale of credit life and disability insurance directly related to extensions of credit by U.S. Creditcorp. These activities would be conducted from an office in Salem, Oregon, serving the counties of Marion, Benton, Linn, Lincoln, Polk, Clackamas and Yamhill, Oregon.

2. U.S. Bancorp, Portland, Oregon (lending, loan servicing, personal property leasing, and credit-related insurance activities; Colorado, Wyoming, New Mexico): to relocate an office and continue to engage, through its subsidiary, U.S. Bancorp Financial, Inc., in the making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including, but not limited to, commercial, rediscount and consumer loans; installment sales contracts and other forms of receivables; and leasing of personal property and equipment; and credit related insurance activities, in conformance with sections 225.4(a)(1), (3), 6(a), and 9(ii)(a) of Regulation Y. These activities would be conducted from an office in Golden, Colorado, serving the entire state of Colorado, the southeastern section of Wyoming and northeastern section of New Mexico.

D. *Other Reserve Banks:* None.

Board of Governors of the Federal Reserve System, may 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-1455 Filed 5-9-80; 8:45 am]

BILLING CODE 6210-01-M

Illinois State Bancorp, Inc.; Formation of Bank Holding Company

Illinois State Bancorp, Inc., Chicago, Illinois, 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 93.46 percent or more of the voting shares of Illinois State Bank of Chicago, Chicago, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 6, 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, May 5, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14548 Filed 5-9-80; 8:45 am]

BILLING CODE 6210-01-M

Marine Bancorp, Inc.; Formation of Bank Holding Company

Marine Bancorp, Inc., Springfield, Illinois, 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 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Springfield Marine Bank, Springfield, Illinois. The factors that are considered in acting on the application are set forth § 3(c) of the Act (12 U.S.C. § 1842(c)). In connection with this application, Springfield Marine Bank has applied pursuant to section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(c)), for the Board's approval to merge with SM Bank, Springfield, Illinois, a newly organized bank formed to facilitate this acquisition.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 5, 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, May 5, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14550 Filed 5-9-80; 8:45 am]

BILLING CODE 6210-01-M

Windom State Investment Company; Formation of Bank Holding Company; Correction

This document corrects a previous **Federal Register** document (FR Doc. 80-12925) published at page 28205 of the issue for Monday, April 28, 1980. The first three paragraphs should read as follows:

Windom State Investment Company, Windom, Minnesota, 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 87.9 percent or more of the voting shares of Windom State Bank, Windom, Minnesota. 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)).

Windom State Investment Company, Windom, Minnesota, has also 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 Windom State Credit Company, Windom, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of making agricultural production credit loans. This activity would be performed from an office of Applicant's subsidiary in Windom, Minnesota, and the geographic areas to be served are Cottonwood and Jackson Counties in Minnesota. Such activity has 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).

Board of Governors of the Federal Reserve System, May 5, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14549 Filed 5-9-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: W. A. Krueger Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of City National Printing Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by W. A. Krueger Company. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be pubished in the **Federal Register.**

By direction of the Commission.

[FR Doc. 80-14556 Filed 5-9-80; 8:45 am]

BILLING CODE 6750-01-M

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: W. C. McBride Trust Estate is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of National Investors Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 2, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section

7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-14557 Filed 5-9-80; 8:45 am]

BILLING CODE 6750-01-M

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Pernod Ricards, S.A. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all stock of Austin Nichols & Co., Inc. from Liggett Group, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 30, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-14558 Filed 5-9-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 5, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CPSC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, Comments (in triplicate) must be received on or before May 30, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Consumer Product Safety Commission

The CPSC requests clearance of a new General Order for Submission of Information which will require firms manufacturing, importing or labeling any consumer products, except gasoline, containing benzene as an intentional ingredient, since January 1, 1979, to furnish CPSC with information concerning these products. The Order will be issued under section 27(b)(1) of the Consumer Product Safety Act, 15 U.S.C. 2076(b)(1). The information required by the Order will assist the Commission in assessing the extent of public exposure to consumer products containing benzene as an intentional ingredient. The information will be required to be submitted within 45 days after CPSC published the General Order in the **Federal Register,** but there will also be a continuing requirement to report to CPSC changes in the data (or new uses of benzene as an intentional ingredient in consumer products) as the changes occur. The continuing requirement extends until the expiration of the Order—one year after its issuance. The CPSC estimates potential respondent will number approximately 50 and that reporting burden will average one hour per product reported.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 80-14555 Filed 5-9-80; 8:45 am]

BILLING CODE 1610-01-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Office on Smoking and Health, Research Needs on Low Yield Cigarettes; Meeting

Notice is hereby given of the Working Meeting on Research Needs on Low Yield Cigarettes sponsored by the Office on Smoking and Health, June 9, 10 and 11, 1980, at the Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland.

This meeting will be open to the public on June 9 and 10 from 9:00 A.M. to 12 Noon and from 1:30 to 5:00 P.M. and on June 11 from 9:00 A.M. to 12 Noon to observe workshop discussions on the research needs on low yield cigarettes in the areas of cancer, cardiovascular disease, pulmonary disease, pregnancy/infant health, behavioral aspects, and pharmacology/toxicology. Attendance by the public will be limited to space available.

Dr. Joanne Luoto, Medical Officer, Office on Smoking and Health, Park Building, Room 1-58, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-1575 will provide additional information.

Dated: May 2, 1980.

John M. Pinney,

Director, Office on Smoking and Health.

[FR Doc. 80-14451 Filed 5-9-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Assistant Secretary for Health

President's Council on Physical Fitness and Sports; Notice of Cancellation

The meeting that was published in 45 FR, page 27988, April 25, 1980, to be held on May 22, 1980, from 10:00 a.m. to 4:00 p.m. at Cliff House, Deercliff Road, Avon, Connecticut is cancelled.

Dated: May 6, 1980.

C. Carson Conrad,

Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. 80-14506 Filed 5-9-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Chippewa Indians of Minn., Plans for the Use of 20-Percent Program Funds of the Grand Portage and Fond du Lac Reservation Groups' Shares of Judgment Funds in Dockets 18–C and 18–T Before the Indian Claims Commission

April 28, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

A plan for the use of certain judgment funds of the Grand Portage and Fond du Lac Reservation groups of the Mississippi and Lake Superior Bands of Chippewa Indians, pursuant to the provisions of the Act of October 19, 1973, 87 Stat. 466, became effective on February 1, 1979. Under the plan, twenty (20%) percent of the groups' shares of the Mississippi and Lake Superior funds awarded in Dockets 18–C and 18–T were set aside for the program aspect of the plan to be developed at a later date. Plans for the use of the program funds of the Grand Portage and Fond du Lac Reservation groups were submitted to the Congress by a letter dated January 28, 1980, and was received (as recorded in the Congressional Record) by the Senate and House of Representatives on February 4, 1980. Congress not having adopted a resolution disapproving it, the program plans became effective on March 10, 1980.

The plans read as follows:

"The program aspects of the plans of the Grand Portage and Fond du Lac Reservation groups, pursuant to the Act of October 19, 1973, 87 Stat. 466, which became effective February 1, 1979, provide that the twenty (20) percent program portion of the respective group's share of the judgment funds awarded to the Mississippi and Lake Superior Chippewa Bands in Docket Nos. 18–C and 18–T shall be programmed as follows:

" 'The twenty percent (20%) program portion of the funds, including interest and investment income accrued of the groups named in section 5 of this plan shall be deposited in separate accounts and shall be invested by the Secretary under 25 USCA 162a until such time as a further plan for the use of the program funds is approved by the Secretary. The Secretary shall approve no plan for the use of the program funds of the respective groups until at least thirty days after the plan has been submitted to the Congress. The Reservation Business Committees of the Minnesota Chippewa Tribe and their respective band members represented on the reservations shall develop program plans, which may include a joint investment and use program of the funds for the bands represented on a reservation.'

"Grant Portage Reservation. In accordance with Resolution No. 43–79, adopted August 31, 1979, by the Grand Portage Reservation Business Committee, the twenty percent program funds shall be apportioned and utilized in the following manner: Seventy-five (75) percent of such funds, including the interest and investment income accruing thereon, shall be utilized in a reservation economic development program, and twenty-five (25) percent of such funds, including the interest and investment income accruing thereon, shall be utilized in a reservation maintenance program. There shall be established two separate program accounts for these purposes, and until such time the funds are needed in the implementation of the program plans, the funds shall continue to be invested by the Secretary (hereinafter 'Secretary'), pursuant to 25 U.S.C. 162a. The Grand Portage Reservation Business Committee shall be required to develop specific program plans for the use of the funds and tribal budgets, which shall be subject to approval by the Secretary.

"*Fond du Lac Reservation.* In accordance with Resolution No. 146–79, adopted September 24, 1979, by the Fond du Lac Reservation Business Committee, the twenty percent program funds shall be apportioned and utilized in the following manner: Forty-five (45) percent of such funds, including the interest and investment income accruing thereon, shall be utilized to initiate a business development administrative arm of the Fond du Lac Reservation; forty (40) percent of such funds, including the interest and investment income accruing thereon, shall be utilized in a reservation economic development program, and fifteen (15) percent of such funds, including the interest and investment income accruing thereon, shall be utilized in community development projects, such as health, education, recreation or social services that will benefit the people of the reservation.

"There shall be established three separate program accounts for these purposes. The program funds will continue to be invested by the Secretary pursuant to 25 U.S.C. 162a, until such time the funds are needed in the implementation of the program plans. The Fond du Lac Reservation Business Committee shall be required to develop specific program plans for the use of the funds and tribal budgets, which shall be subject to approval by the Secretary. The group shall utilize the interest and investment income accruing from the respective program funds first, keeping the principal amounts intact wherever possible.

"Should funds set aside in any of the program accounts be determined to be in excess of needs of the respective group, appropriate adjustments from one program account to another shall be made in the annual tribal budget, with the approval of the Secretary."

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80–14489 Filed 5–9–80; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[INT DEIS 80–18]

Livestock Grazing Management; Gunnison Basin, American Flats/ Silverton Area, Colo.; Amendment to Notice of Availability of Draft Environmental Impact Statement

The notice of availability of the Gunnison Basin Livestock Grazing EIS of April 11, 1980 (45 FR 24923) is amended as follows.

The original notice contained two dates for the close of the comment period; June 9 and June 17, 1980. The June 17, 1980 date is correct.

The public hearing on the DEIS scheduled in Montrose, Colorado for May 22, 1980, at 7:00 p.m. in the Courthouse Annex has been rescheduled for May 19, at 7:00 p.m. in the Courthouse Annex. The other public hearings (May 20, 1980 at the Community Center in Lake City, Colorado, and May 21, 1980 at Webster Hall in Gunnison, Colorado, both commencing at 7:00 p.m.) will be held as scheduled. The deadline for requests to testify at the hearings remains May 14, 1980 at the close of business.

Dated: May 7, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 79–14490 Filed 5–9–79; 8:45 am]

BILLING CODE 4310–84–M

Yaquina Head Outstanding Natural Area Off-Road Vehicle Closure

Correction

In FR Doc. 12541, in the issue of Thursday, April 24, 1980, on page 27834, in the first column, under **Williamette**

Meridian, Oregon, in the 20th line please make the following correction:

The line reading "* * * approximately 181.1 acres * * *" should read "approximately 18.1 acres * * *"

BILLING CODE 1505-01-M

Fish and Wildlife Service

[INT-FES-74-58]

Monomoy National Wildlife Refuge, Barnstable County, Mass.; Availability of an Environmental Assessment and Finding of No Significant Impact—1980 Tern Management and Gull Control Program

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an Environmental Assessment to discuss the management of common, arctic, roseate, and least tern colonies and the control of herring and great-black backed gull colonies. Over the past ten years, gull colonies have overrun several tern colonies and are presently threatening to overrun the last remaining tern colonies on Monomoy. Gulls nesting adjacent to tern colonies prey upon tern chicks and adults. Gull nesting colonies if allowed to expand unchecked will ultimately evict nesting terns from Monomoy.

The assessment discusses tern and gull population dynamics over the past 40 years and the various alternatives considered to control the numbers of gulls. The recommended control alternatives involve a combination of techniques including shooting and harassment of nesting gulls within a 200 meter area adjacent to the north tern colony and inducing gull embryo mortality through spraying of a solution of miscible oil, water, and formaldehyde on gull eggs. The avicide, DRC 1339 will be used to create a 200 meter buffer strip adjacent to the two southern least tern colonies. This same avicide will also be used on the south end of Monomoy to remove gulls from suitable tern nesting habitat. This area was previously colonized by terns in the late 1960's.

Copies are available for inspection at the following locations:

Division of Refuge Management, Room 2341, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, Telephone (202) 343–4305.

Office of the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, MA 02158, Telephone (617) 965–5100 Ext. 222.

Office of the Area Manager, New England Area Office, U.S. Fish and Wildlife Service, Federal Building, Post Office Box 1518, Concord, NH 03301, Telephone (603) 224–2585.

Single copies of the Environmental Assessment may be obtained on request from the Area Manager.

Howard N. Larsen,

Regional Director, U.S. Fish and Wildlife Service.

May 5, 1980.

[FR Doc. 80-14449 Filed 5-9-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil and Gas Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Supplemental Development and Production Plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2832 and OCS–G 3496, Blocks 205 and 206, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 2050.34 of Title 30 of the Code of Federal Regulations.

Dated: May 5, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-14505 Filed 5-9-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Oil Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1610, Block 65, South Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Matairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 1, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-14500 Filed 5-9-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Redwood National Park; Transfer of Acres From Klamath Air Force Station Z-33

Pub. L. 90–545, creating Redwood National Park, authorizes at Sec. 2(a) the

Secretary of the Interior to modify existing boundaries. Accordingly, notice is hereby given of National Park Service intent to acquire 49.23 additional acres by transfer from the Air Force of Klamath Air Force Station Z–33 as described below. Maps depicting the area proposed for transfer are designated SACR–3–0008 Segments 1–3 and are on file at the National Park Service office in San Francisco, California.

Dated: May 1, 1980.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 80–14554 Filed 5–9–80; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–10502 appearing at page 23751 in the issue for Tuesday, April 8, 1980, make the following corrections:

1. On page 23805, in the first column, the ninth line of paragraph MC 40978 (Sub-71F) "MI, NM, and WI." should be corrected to read "MI, MN, and WI."

2. On page 23806, MC 99498 (Sub-6F), in the third column, the twenty-fourth line "Stafford and return over the same route," should be corrrected to read "Safford and return over the same route,".

3. Also on page 23806, MC 99498 (Sub-6F) the third column, the eleventh line from the bottom "of Needham, Bogueloossa, and Land," should be corrected to read "of Needham, Bogueloosa, and Land,".

4. On page 23822, in the third column, the fourteenth line of paragraph MC 99498 (Sub-7F) "LA, and Birmingham, Moile, and" should be corrected to read "LA, and Birmingham, Mobile, and".

BILLING CODE 1505–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–4457 appearing at page 9354 in the issue of Tuesday, February 12, 1980, on page 9372, in the second column, second complete paragraph, MC 140389 (Sub-70F), line 16, "SD" should be corrected to read "SC".

BILLING CODE 1505–01–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 issuances) 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 protest 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 May 12, 1980, except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive 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 applicant shall stand denied.

Decided: April 30, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

Agatha Mergenovich,

Secretary.

MC–F–14295F, filed January 16, 1980. RENTON–ISSAQUAH AUTO FREIGHT, INC. (Renton) (423 S. 7th, Renton, Washington, 98055)—CONTROL—EDMONDS–ALDERWOOD AUTO FREIGHT COMPANY (Edmonds) 6203 215th SW., Mountlake Terrace, Washington 98043). Representative: Carl A. Jonson, 300 Central Bldg., Seattle, WA 98104. Renton seeks authority to control Edmonds through the purchase of all its issued and outstanding capital stock. Frank Castagno, Mervyn Castagno, John Castagno, Gary Castagno, Richard Castagno, Dennis Castagno, Robert Denny, and James Lewis, stockholders of Renton, seek authority to acquire control of said

rights through the transaction. The operating rights to be controlled are contained in Edmonds certificate No. MC–41359, which authorizes the transportation, as a motor common carrier, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Edmonds and Seattle, WA, from Edmonds over unnumbered Hwy to junction U.S. Hwy 99, then over U.S. Hwy 99 to Seattle, and return over the same route, serving no intermediate points, and serving the off-route points of Richmond Beach, Seattle Country Club, Point Wells, Maple Manor, Meadowdale, and Hallor Lake, WA, and (2) between Seattle and Everett, WA, over U.S. Hwy 99, serving all intermediate points, and the off-route points of Alderwood Manor, Esperance, Cedar Valley, Summit, Martha Lake, Manordale, and Intermanor, WA. Renton is authorized to operate as a motor common carrier pursuant to certificates issued in MC–41522 and sub-numbers thereunder. (Hearing site: Seattle, WA.)

Note.—Application for temporary authority has been filed.

MC–F–14309F, filed January 29, 1980. COLUMBIA CITY FREIGHT LINES, INC. (Columbia) (P.O. Box 328, Columbia City, IN 46725)—LEASE—LINE CITY TRUCKING COMPANY, INC. (Lime) (1455 Swan Street, Huntington, IN). Representatives: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 and A.E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Columbia seeks to lease the interstate operating rights of Lime for a two year period. Columbia is leasing the interstate operating rights of Lime that are contained in Certificate No. MC–20872, (Sub-Nos. 10, 11 (M1F), 12, 14, and 16), and Certificate No. MC–62724, granted in MC–F–12976, authorizing the purchase by Lime of Hocker Transfer, Inc. The Certificates authorize the transportation, as a motor common carrier, (1) over *regular routes*, transporting: (a) *general commodities*, usual exceptions, (i) Between Fort Wayne, IN, and Chicago, IL, serving all intermediate points, the off-route points of Claypool, IN, the off-route points within five miles of Fort Wayne, IN, and Baer Field, IN, the off-route points in the Chicago, IL, Commercial Zone as defined by the Commission, and the off-route point of the site of the B.F. Goodrich Company plant, approximately 13 miles east of Fort Wayne, IN, in Milan Township, Allen County, IN; from Fort Wayne over U.S. Hwy 24 to Huntington, IN, then over IN Hwy 5 to junction IN Hwy 114, then over IN Hwy 114 to junction IN Hwy 15, then over IN Hwy 15 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IN Hwy 152, then over IN Hwy 152 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Chicago, and return over the same route. (ii) Between Fort Wayne, IN, and Warsaw, IN, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Fort Wayne, IN, and Chicago, IL, serving no intermediate points; from Fort Wayne over U.S. Hwy 30 to Warsaw, and return over the same route. (iii) Between Huntington, IN, and Columbia City, IN, as an alternate route for operating convenience only in connection with carrier's regular route operations between Fort Wayne, IN, and Chicago, IL, serving no intermediate points; from Huntington over IN Hwy 9 to Columbia City, and return over the same route. (iv) serving the plant site of Huffer Foundry Co., Inc., near Warsaw, IN, as an off-route point in connection with carrier's authorized regular-route operations. (v) serving Syracuse, IN, as an off-route point in connection with carrier's authorized regular-route operations, restricted to the transportation of traffic moving from or to Chicago, IL, and South Bend, IN, and (vi) between South Bend, IN, and Walkerton, IN, serving the intermediate points of North Liberty, IN, and the off-route points of Koontz Lake and Georgetown, IN, and (2) *over irregular routes*, (a) *glass and glassware, and articles* used in the manufacture, sale, and distribution of glass and glassware, between Huntington, IN, on the one hand, and, on the other, the facilities of Corning Glass Works at or near Bluffton, IN. (b) *cedar chests*, from Huntington, IN, to Buffalo, NY, and Ashland, Covington, Louisville, and Newport, KY, and points in IL, OH, PA, and the southern peninsula of MI within 300 miles of Huntington, IN. (c) *scrap aluminum and aluminum ingots*, in rail owned trailers, between rail facilities of the Erie Lackawanna Railway Company at Huntington, IN, and Wabash, IN, restricted to the transportation of traffic having an immediately prior or subsequent movement by rail in trailer-on-flatcar service, and (d) *general commodities*, usual exceptions, (i) between Rockford, IL, and points in IL within 50 miles of Rockford, IL, and (ii) between those points named in (i) above on the one hand, and, on the other, Chicago, IL. Columbia is a motor common carrier operating over regular routes authorized in certificate No. MC–107487 and subs thereunder.

Weir Corporation, a non-carrier, is the sole stockholder of Columbia, and in turn, James R. Weir is the sole stockholder of Weir Corporation. (Hearing site: Indianapolis, IN, or Washington, DC.)

Notes.—(1) Limitations to short, or trial periods, of the use of leases for the unification of motor-carrier operations is in the best interest of the public, and that such a general rule should not be departed from in the absence of special circumstances. No special circumstances have been found which would justify the continued lease of these operating rights, for a period longer than may be required for lessee to determine whether it would desire to acquire the rights on a permanent basis. The proposed lease will be authorized for a term not exceeding 1 year from date of consummation. *Auto Convoy Co.—Lease—Automobile Shipper, Inc.* 55 M.C.C. 683 (1949).

(2) An application for temporary authority has been filed.

MC–F–14330F, filed March 4, 1980. PAZEN TRANSFER LINES, INC. (Pazen) (Box 243, Waukau, WI 54980)—PURCHASE—RIPON TRUCKING COMPANY (Ripon) (420 Oshkosh Street, Ripon, WI 54971). Representative: James A. Spiegel, Olde Towne Office Parke, 6425 Odana Road, Madison, WI 53719. Pazen seeks authority to purchase the interstate operating rights and property of Ripon. Gerald J. Sitter, the sole stockholder of Pazen, seeks authority to acquire control of said rights and property through the transaction. Pazen is purchasing the interstate operating rights of Ripon that are contained in Certificate Nos. 119749 and sub-numbers thereunder, which authorizes the transportation (1) *cookies*, in containers, from Ripon, WI, to Sharpsburg, PA, and points in KY, TN, MO, IL, IN, IA, MI, MN, OH, and SD, (2) *cookies*, from Ripon, WI, to (a) Buffalo, Rochester, Syracuse, and New York, NY, Allentown and Philadelphia, PA, and points in NE, (b) points in CT, MD, MA, NJ, NY, PA, and DC, (c) points in OK and TX, (d) points in ME, NH, and VT, (e) points in NC, SC, VA, and WV, (f) points in AL, AR, DE, GA, KS, LA, MS, ND, and RI, and (g) points in FL, (3) *building and roofing materials*, from Marseilles, IL, to points in WI, (4) *asphalt or composition siding, and metal fasteners, nails, cement, and caulking compound, used in connection with the installation of siding*, from South Bend, IN, to points in Door and Kewaunee Counties, WI, and those points in that part of WI located north of U.S. Hwy 16, and on and south of WI Hwy 29 (except Milwaukee, Eau Claire, and Chippewa Falls, WI), (5) *flour*, from Mount Olive, IL, to Ripon, WI, (6) *flour*, in bulk, from points in the

lower penninsula of MI and that part of IL on and south of U.S. Hwy 36 (except Mount Olive, IL), to Ripon, WI, (7) *sugar*, from New York, NY, to Ripon, WI, (8) *such materials, equipment, and supplies as are used in bakeries*, from points in OH and IN (except those points in IN within the Chicago, IL commercial zone as defined by the Commission, to Ripon, WI, and from Minneapolis and St. Paul, MN, and Chicago, IL, to Ripon, WI, restricted to pick-up only, (9) *machinery*, from Ripon, WI, to Chicago, IL, and (10) *such corrugated or fiberboard containers, and plastic shipping trays as are used in bakeries*, from Blue Island, Morris, and St. Charles, IL, to Ripon, WI, restricted to the transportation of traffic originating at the above named origin points and destined to the above named destinations point. Pazen is authorized to operate as a motor common carrier pursuant to its certificate issued in MC-32122. (Hearing site: Madison, WI.)

Note.—Application for temporary authority has been filed.

[FR Doc. 80-13397 Filed 5-9-80; 8:45 am]

BILLING CODE 7035-01-M

National Motor Freight Traffic Association, Inc., Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates Application No. MC-1499.

SUMMARY: National Motor Freight Traffic Association, Inc., Agent for and on behalf of the participants in the National Motor Freight Classification, seeks authority to further amend Released Rates Order No. MC-292, applicable on "Clothing, Fur or Fur Lined, Used", to extend its authority to exceptions ratings and commodity rates. The released provisions would be established and maintained in tariffs of the participants and in tariffs of the participants' tariff publishing agents. The authority would also extend to amendment and reissue of these publications.

ADDRESS: Anyone seeking copies of this application should contact: Mr. William W. Pugh, N.M.F.T.A., 1616 "P" Street NW., Washington, DC 20036, Telephone: (202) 797-5310.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Telephone: (202) 275-7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730, formerly Sections 20(11), 219 and 413 of the Interstate Commerce Act.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14443 Filed 5-9-80; 8:45 am]

BILLING CODE 7035-01-M

National Motor Freight Classification; Released Rate Application

AGENCY: Interstate Commerce Commission.

ACTION: Carriers participating in a National Motor Freight Classification want to amend Released Rates Order No. MC-594, which authorizes the establishment and maintenance of released class ratings on electronic tubes, to also authorize released exceptions and commodity rates at the same released values, i.e. not exceeding $3.00 per pound on cathode ray tubes and not exceeding $1.50 or $3.00 per pound on other types of electronic tubes.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. William Pugh, Counsel for Applicants, 1616 "P" Street NW., Washington, DC 20036, Tel. (202) 797-5310.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10703.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14444 Filed 5-9-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense; Special Certificate Letter Notices

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC-115, 131 M.C.C. 20 (1978).

An original and one copy of verifed statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before June 2, 1980. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

HG-9-80 (special certificate—used household goods), filed February 4, 1980. Applicant: COTA TRANSFER & STORAGE, INC., 755 Redwood Ave., Sand City, CA 93955. Representative: Eliseu Bettencourt, President (address same as applicant). Authority sought: Between points in Monterey, Santa Cruz, San Benito, and San Luis Obispo, and San Luis Obispo counties, CA serving Fort Ord, CA and Naval Postgraduate School, Monterey, CA.

HG-11-80 (special certificate—used household goods), filed April 21, 1980. Applicant: K. C. SALLEY VAN & STORAGE COMPANY, 1301 Falfurrias Hwy., P.O. Box 67, Alice, TX 78332. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Star Rd., Fort Worth, TX 76112. Authority sought: Between points in Aransas, Bee, Brooks, Jim Welss, Kleberg, Nueces, Refugio, San Patricio, and Victoria Counties, TX, Serving Naval Air Stations at Corpus Christi, Kingsville and Beeville, TX.

HG-11-80 (special certificate—used household goods), filed April 21, 1980. Applicant: K. C. SALLEY VAN & STORAGE COMPANY, 1301 Falfurrias Hwy., P.O. Box 67, Alice, TX 78332. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Star Rd., Fort Worth, TX 76112. Authority sought: Between points in Aransas, Bee, Brooks, Jim Welss, Kleberg, Nueces, Refugio, San Patricio, and Victoria Counties, TX, Serving Naval Air Stations at Corpus Christi, Kingsville and Beeville, TX.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14442 Filed 5-9-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register**

publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 31]

May 2, 1980.

MC 119345 (Sub-1TA), filed May 14, 1979. Applicant: CARY TRUCKING, INC., Box 265, Downs, KS 67437. Representative: Richard E. Dietz, 118 West Main St., Osborne, KS 67473. *Hides and packinghouse By-Products,* (1) From Great Bend, KS to MN, WI, and TX; (2) from Butler, MO to MN, WI, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cox Hide Company, P.O. Box 212, Butler, MO 64730. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., 110 No. Market, Wichita, KS 67202.

MC 126555 (Sub-71TA), filed October 4, 1979, and published in **Federal Register** issue November 21, 1979, and republished as corrected this issue. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockston, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. *Soda ash,* from Sweetwater County, WY to Wheat Ridge, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coors Container Company, Golden, CO 80401. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501. The purpose of this republication is to reflect the correct destination as Wheat Ridge, CO in lieu of Golden, CO, which was inadvertently shown.

MC 475 (Sub-5TA), filed February 1, 1980, and published in **Federal Register** issue of March 10, 1980, and republished as corrected this issue. Applicant: WYMORE TRANSFER CO., P.O. Box 448, Oregon City, OR 97045. Representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, OR 97201. *Potato starch,* in bags; and *potatoes,* cooked, dried, dehydrated, diced, powdered, or shredded, in bags or cartons, from points in Idaho in and south of the counties of Fremont, Clark, Lemhi, Valley, and Adams to Longview, WA, Portland, OR, and points in the Portland, OR commercial zone. Supporting shippers: Crown Zellerbach Corporation, 1500 SW First Avenue, Portland, OR 97201; Longview Fibre Company, P.O. Box 639, Longview, WA 98632; Idaho Supreme Potatoes, P.O. Box 246, Firth, ID 83236; R. T. French & Company, 434 South Emerson, Shelley, ID 83274; and Rogers Potato Division, Ampco Foods, Inc., P.O. Box 2200, Idaho Falls, ID 83401. Send protests to A. E. Odoms, DS, ICC, 555 SW Yamhill, Portland, OR 97204. The purpose of this republication is to reflect the route description.

MC 133494 (Sub-19TA), filed June 15, 1979, and published in **Federal Register** issue of July 17, 1979, and republished as corrected this issue. Applicant: E. W. BELCHER TRUCKING, INC.; 201 Dallas Drive, Denton, TX 76201. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Potash, from Lea and Eddy Counties, NM to points within the states of OK and TX, for 180 days. Supporting Shipper(s): There are five (5) supporting shippers. Send protests to: Martha A. Powell, Trans. Asst., I.C.C., Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102. The purpose of this republication is to show NM as the origin in lieu of MN.

MC 140484 (Sub-50TA), filed July 16, 1979, and published in **Federal Register** issue of August 29, 1979, and republished as corrected this issue. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Computer scales and parts and accessories thereof (except commodities which because of size or weight require the use of specialized equipment), between the facilities of Reliance Electric Company at or near Columbus and Worthington, OH; and Spartanburg, SC, for 180 days. Supporting Shipper(s); Reliance Electric Company, 220 Eastview Dr., Brooklyn Heights, OH 44131. Send protest to: Sara Davis, P.O. Box 7520, Atlanta, GA 30309. The purpose of this republication is to reflect the correct route description.

[Notice No. F-25]

THE FOLLOWING APPLICATIONS WERE FILED IN REGION I. SEND PROTESTS TO REGIONAL AUTHORITY CENTER, INTERSTATE COMMERCE COMMISSION, 150 CAUSWAY ST., RM. 501, BOSTON, MA 02114.

Republication—Originally published in **Federal Register** April 14, 1980, at page 25168, Volume 45, No, 73.

MC 124423 (Sub-1–1TA), filed March 27, 1980. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, NJ 08840. Representative: Lawrence Day (same address as applicant). *Drugs, medicines, chemicals and materials, equipment supplies and records used in connection with research, manufacture and distribution thereof (except commodities in bulk and limited to shipments weighing 5000 pound or less),* between Rahway, NJ, on the one hand, and, on the other, points in DE, DC, MD, MA, NC, NH, HY, PA, VA, RI, VT. Supporting shipper: Merck, Inc., P.O. Box 2000, Rahway, NJ.

MC 147421 (Sub-1TA), filed May 2, 1980. Applicant: J. N. L'HEUREUX INC., 95 College Avenue, Waterville, ME 04901. Representative: Daniel J. L'Heureux, 95 College Avenue, Waterville, ME 04901. *Contract carrier:* Irregular routes: 1.) *Malt beverages* from Latrobe & Philadelphia, Pa; Baldwinville & Rochester, NY; Baltimore, MD; Winston-Salem, NC and N. Bergen, S. Kearny & Newark, NJ to Waterville, ME. And 2.) *Wine* from Brooklyn, Canandugua, Farmingdale & New York, NY; and Boston & Woburn, MA to Waterville, ME. Supporting Shipper: Colonial Distributors, Inc., Waterville, ME.

MC 141932 (Sub-1–4TA), filed May 1, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. *Groceries and Grocery Supplies, and Materials, Equipment and Supplies used in the manufacture and sale of Groceries and Grocery Supplies* (except commodities in bulk) between points in MA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and TX, restricted to the movement of traffic from or to the facilities of, or used by, Transtop, Inc. Supporting shipper: Transtop, Inc.

MC 124151 (Sub-1–2–TA), filed May 1, 1980. Applicant: VANGUARD

TRANSPORTATION, INC., Lafayette Street, Carteret, New Jersey 07008. Representative: Dwight L. Koerber, Jr., Ames, Hill & Ames, P.C., 666 Eleventh Street, NW, Washington, D.C. 20001. *Alcohol,* in bulk, in tank vehicles, from Perth Amboy, NJ to South Portland, ME. Supporting shipper: Louis Dreyfus Corporation, One State Street Plaza, New York, NY 10004.

MC 2860 (Sub-1–6TA), filed March 27, 1980. Republication—Originally published in **Federal Register** of April 21, 1980, Page 26832, Volume 45, No. 78. Applicant: NATIONAL FREIGHT, INC., 71 W. Park Ave., Vineland, NJ. Representative: Gerald S. Duzinski, 71 W. Park Ave., Vineland, NJ. *Plastic articles (except commodities in bulk)* between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Amoco Foam Products Co. Supporting shipper: Amoco Foam Products Co., Suite 200, 2111 Powers Ferry Rd., NW, Atlanta, GA 30339.

MC 138861 (Sub-1–5TA), filed May 2, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, Rhode Island 20814. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, N.W., Washington, D.C. 20036. *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between points in Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk and Worcester Counties, MA, and points in RI, on the one hand, and, on the other, points in FL. *Restriction:* The operations sought herein are to be restricted to the transportation of shipments moving on the bills of lading of freight forwarders. (Supporting shipper: C-Line Forwarding, Inc.)

MC 142999 (Sub-1–2TA), filed May 2, 1980. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, New Jersey 08016. Representative: Ronald N. Cobert, Esquire, Suite 501, 1730 M Street, NW, Washington, DC 20036. *Contract carrier, irregular routes: Paper and paper products, and material, equipment and supplies used in the manufacture and distribution of paper and paper products,* between CA, IL, IN, MI, OR, PA, and WA, on the one hand, and, on the other, AL, AZ, CA, CO, CT, DE, FL, GA, ID, IL, IN, LA, MA, MD, MI, MO, MS, NC, NJ, NM, NV, NY, OH, OR, PA, RI, SC, TX, UT, WA, and WI. Restriction: The operations authorized herein are to be limited to a transportation service to be performed under a continuing contract or contracts with Simpson Paper Company. (Supporting shipper: Simpson Paper Company.)

MC 144239 (Sub-I–1TA), filed May 2, 1980. Applicant: J. L. T. CORPORATION, Route 22, White House Station, NJ 08889. Representative: Charles J. Williams, 1815 Front Steet, Scotch Plains, NJ 07076. *Contract carrier, irregular routes:* (1) *Foodstuffs and* (2) *equipment, materials, and supplies used in the manufacture, distribution and sale of foodstuffs (except in bulk)* between Carthage, MO; Monett, MO; Logan, UT; and points in Wisconsin, on the one hand, and, on the other points in the United States (except AK and HI), under a continuing contract or contracts with L. D. Schreiber Cheese Co., Inc., of Green Bay, WI.

MC 143445 (Sub-I–1TA), filed April 30, 1980. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania St., Kearney, NJ 07032. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Medical research instruments, medical supplies and equipment, materials and supplies used in their production,* between the facilities of Beckman Instruments, Inc., located in Orange County, Carlsbad, Palo Alto, and Porterville, CA; Somerset, NJ; Lincolnwood and Arlington Heights, IL; Houston, TX; and Norcross, GA Supporting shipper: Beckman Instruments, Inc., 45 Belmont Dr., Somerset, NJ 08873.

MC 150699 (Sub-1–1TA), filed April 30, 1980. Applicant: RST INDUSTRIES, LTD., P.O. Box 1313, Saint John, N.B. Canada E2L 4H8. Representative: Fritz J. Kahn, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Contract, Irregular, *Petroleum and petroleum products and chemical byproducts of the petroleum refining process all in bulk, in special tank trailers,* from the ports of entry on the United States–Canadian boundary line at or near Calais, Houlton, Vanceboro, Fort Fairfield, Van Buren, Madawaska and Fort Kent, ME on the one hand, and, on the other, all points in ME, under contract with Irving Oil Limited. Supporting shipper: Irving Oil Limited, of Saint John, New Brunswick, Canada.

MC 113843 (Sub-1–4TA), filed April 30, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, 316 Summer Street, Boston, MA 022210. *Foodstuffs, VIZ: Breader or batter mixes,* from Cleveland, OH to points in MA. Supporting shipper: Gorton Group, Division of General Mills, Inc. of Gloucester, MA.

MC 149193 (Sub-1–1TA), filed March 3, 1980. Republication—Originally published in **Federal Register** of March 17, 1980, Page 17084, Volume 45, No. 53. Applicant: AUBREY TRANSPORTATION, INC., P.O. Box 216, Yorkshire, NY 14173. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY. *Coke,* in bulk, in dump vehicles, from the Commercial zone of the City of Buffalo, NY, to all points in PA and NJ; Pig iron, in bulk, in dump vehicles, from the Commercial zone of the City of Buffalo, NY, to all points in NJ, PA, and MD. Supporting shippers: (1) Donner-Hanna Coke Corp., Buffalo, NY; (2) Benton Foundry, Inc., Benton, PA; (3) Hanna Furnace Corp., Buffalo, NY; (4) Hallstead Foundry, Inc., Hallstead, PA.

MC 147034 (Sub-1–1TA), filed April 26, 1980. Applicant: ALBANESE TRANSPORT INC., 3537 Apulia Road, Jamesville, N.Y. Representative: Frank Pompo, 820 University Bldg., Syracuse, N.Y. 13201. Packaged chemicals: Tully, N.Y. and Syracuse, N.Y. and it's commercial zone and AL, AR, CA, FL, GA, IL, IN, KY, LA, MA, MD, MO, MS, NC, NJ, OH, PA, SC, TN, TX, AND VA. Supporting shipper: Aspen Industries Inc., Tully, N.Y. 13059.

MC 125628 (Sub-1–1TA), filed April 29, 1980. Applicant: S. S. BAIRD & SONS, LIMITED, 155 Whiting Road, Frederickton, New Brunswick, CD. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. *Rough steel castings,* from the port of entry on the International Boundary Line between the United States and Canada, located at Calais, ME, to Aurora, Chicago, Deerfield, Joliet, Libertyville, Peoria and Springfield, IL; Green Bay and Milwaukee, WI; Bettendorf, IA and Cleveland, OH. Supporting shipper: Texas Steel Co. of Canada, Ltd., P.O. Box 475, St. Stephen, New Brunswick, CD.

MC 142603 (Sub-1–3TA), filed April 29, 1980. Applicant: Contract Carriers of America, Inc., P.O. Box 1968, Springfield, MA 01101. Representative: Raymond A. Richards, 35 Curtice Pk, Webster, NY 14580. Contract carrier, irregular routes: *Metal xmas tree stands and other metal hardware articles, including metal mop hardware; also materials, supplies and equipment* used in the manufacture and sale distribution of such commodities, under continuing contracts with NM Industries, West Springfield, MA: Between the facilities of NM Industries, at West Springfield, MA on the one hand, and on the other hand, all points East of Mississippi River, also all points

in CA, CO, and TX. Supporting shipper: NM Industries, Div. of Standex Intl. Corp., W. Springfield, MA.

MC 78687 (Sub-1–6TA), filed April 29, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh S. NW, Washington, DC 20001. *Common; irregular:* (1) *woodpulp board, wrapping paper, and pulpboard;* and (2) *materials, equipment and supplies* used in the manufacture, distribution and sale of the commodities in (1) above (except in bulk), and (1) from West Point, VA, to points in MD, DE, NY, PA, NJ and DC; and (2) from points in MD, DE, NY, PA, NJ, and DC to West Point, VA. Supporting shipper: Chesapeake Corporation of Virginia, Box 311, West Point, VA 23181.

MC 59396 (Sub-1–1TA), filed April 29, 1980. Applicant: BUILDERS EXPRESS, INC., Access Road, Route 78, P.O. Box 5219, Clinton, NJ 08809. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Roofing granules and ground limestone, in bulk* from 3M facilities at Belle Mead, NJ to Owens-Corning Fiberglas facilities at Waltham, MA, Jessup, MD, and Morehead City, NC. Supporting shipper: Owens-Corning Fiberglas Corporation-Fiberglas Tower, Toledo, OH 43659.

MC 143687 (Sub-1–1TA), filed April 29, 1980. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin Street, West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper bags,* between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Mobil Chemical Company, Plastics Division, under continuing contract with Mobil Chemical Company, Plastics Division, of Macedon, NY. Supporting shipper: Mobil Chemical Company, Plastics Division, Macedon, NY 14502

MC 141795 (Sub-1–1TA), filed April 29, 1980. Applicant: A & B EXPRESS CO., INC., P.O. Box 514, Edison, NJ 08817. Representative: MICHAEL R. WERNER, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Contract carrier, irregular routes: *Boxed beef* From the facilities of Midwest Meat, Inc. at Mineola, NY on the one hand, and, on the other, points in CT, NJ, MD, MA, and NY. Supporting shipper(s): Midwest Meat, Inc., 61 Second Street, Mineola, NY 11501.

MC 140768 (Sub-1–4TA), filed April 28, 1980. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Wooden pallets,* from the facilities of Sedgefield Pallet Company, Inc. at or near Randleman, NC to Albany and Perry, GA. Supporting shipper(s): Sedgefield Pallet Company, Inc., Route 3, Box 448, Randleman, NJ 27317.

MC 149302 (Sub-1–1TA), filed April 28, 1980. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland Street, Fall River, MA 02724. Representative: Frances E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Yarn, fabrics, piece goods and materials, supplies and equipment used in the manufacture thereof* (except commodities in bulk), between Fall River, MA and Woonsocket and Pawtucket, RI, on the one hand, and, on the other, points in AL, GA, NC, SC and VA. Supporting shipper: Quaker Fabric Corporation, 941 Grinnell Street, Fall River, MA 02724.

MC 123233 (Sub-1–4TA), filed April 28, 1980. Applicant: PROVOST CARTAGE INC., 7887 Grenache, Ville d'Anjou, PQ, Canada H1J 1C4. Representative: Gilbert G. Bériault (same address as applicant). *Sodium aluminate, in bulk, in tank vehicles* from the Ports of Entry on the International Boundary Line between the United States and Canada to Madawaska, ME. Supporting shipper: Handy Chemical Limited, 745, Ste. Rose, Laprairie, PQ Canada G5R 1Z2.

MC 120028 (Sub-1–2TA), filed April 24, 1980. Applicant: CRAW CARTING, INC., 160 Despatch Drive, P.O. Box 267, East Rochester, NY 14445. Representative: Herbert M. Canter, Esq., and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Paper bags,* between points in the United States (except Alaska and Hawaii). Supporting shipper: Mobil Chemical Company, Plastics Division, Macedon, NY 14502.

MC 123391 (Sub-1–1TA), filed April 24, 1980. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., 500 Egg Harbor Road, Hammonton, NJ 08037. Representative: Alan Kahn, Esquire, 1430 Land Title Building, Philadelphia PA 19110. Contract, irregular: *Alcohol,* in bulk, from Philadelphia, PA to points in VA. Supporting shipper: Mar-Cam Industries, Inc. of Glenside, PA.

MC 150661 (Sub-1–1TA), filed April 24, 1980. Applicant: V & J TRUCKING CO. 747 East Main Street, Branford, CT 06402. Representative: A. Joseph Mega, 175 Forbes Street, E. Providence, RI 02915. Contract, Irregular, *Ambulance and Firetruck bodies, loose,* from the facilities of American Modular Body Corporation at or near Smithfield, RI to Orlando, FL, Mays, IN, Arlington, TX, and Kenosha, WI. Restriction: The shipments are restricted to a transportation service to be provided with the American Modular Body Corporation of Smithfield, RI. Supporting shippers: American Modular Body Corporation of Smithfield, RI.

MC 4941 (Sub-1–3TA), filed: April 28, 1980. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). *Materials, supplies and equipment* used in the manufacture and erection of buildings; and *iron or steel articles,* from the facilities of Morin Building Products Co., Inc. at Bristol, CT to points in the United States, except CT, DC, HI, MA, NH and RI. Supporting shipper: Morin Building Products Co., Inc. 685 Middle Street, Bristol, CT 06010.

MC 138423 (Sub-1–1TA), filed April 24, 1980. Applicant: MacDOUGALL & SON TRANSPORT LTD., P.O. Box 65, Erin, Ontario, Canada N0B 1TO. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier:* irregular routes: (1) *Wire, wire carriers, wire products, steel and fencing materials (2) Materials, supplies and equipment used in the manufacture of the commodities in (1) above (except in bulk),* (1) from ports of entry on the international boundary between the United States and Canada boundary line at or near Buffalo, NY and Detroit, MI to all points in WI; (2) from all points in WI to ports of entry on the international boundary line between the United States and Canada boundary line at or near Buffalo, NY and Detroit, MI, for the account of Lundy Steel Limited, a subsidiary of Ivaco Industries Ltd. Supporting shipper, Lundy Steel Limited, Forest Street East, Dunnville, Ontario, Canada.

MC 135633 (Sub-1–1TA), filed April 28, 1980. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylvan Avenue, Englewood Cliffs, NJ 07632. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, VA 22314. *Motor vehicles,* except automobiles, in driveway service between points in the U.S. including AK and HI, restricted to the account of Jartran, Inc. of Coral Gables, Florida. Supporting shipper: Jartran, Inc., 3001 Ponce de Leon, Coral Gables, FL 33134.

MC 140267 (Sub-1–1TA), filed April 28, 1980. Applicant: R. A. TRANSPORTATION, INC., Six Connerty Court, East Brunswick, New Jersey 08816. Applicant's representative: Thomas J. Beener, 67 Wall Street, New York, New York 10005. *Contract carrier,*

irregular routes: (1) such commodities as are dealt in by wholesale, retail, chain grocery and department stores, and food business houses (except malt beverages); and (2) equipment, materials, and supplies used in the conduct of such businesses (except in bulk) from Baltimore, Maryland to points in New York. Supporting shipper: Lever Bros. Co., N.Y., N.Y.

MC 140768 (Sub-1–3TA), filed April 28, 1980. Applicant: AMERICAN TRANS–FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Such merchandise as is dealt in by grocery, department, and food business houses, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk and those which, because of size or weight, require the use of special equipment),* from Morrow, GA to points in AL. Supporting shipper: Lever Brothers Company, 390 Park Avenue, New York, NY 10022.

MC 143127 (Sub-1–5TA), filed April 28, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). (1) *Edible flour compounds,* from Brook Park, OH to Nashville, TN; Mobile, AL; Gloucester, New Bedford and Woburn, MA; St. Simons Island and Brunswick, GA; and, (2) *Leavening compounds,* from Nashville, TN to Brook Park, OH. Supporting shipper: The Gorton Group, Div. of General Mills, Inc., 327 Main St., Gloucester, MA 01930.

MC 59457 (Sub-1–1TA), filed April 28, 1980. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Road, Bethany, CT 06525. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *Shirts, dress shirts, clothing, and wearing apparel and equipment, materials, and supplies used in the manufacture, distribution and sale thereof* between New Haven and Branford, CT; Fall River, MA; Salisbury, MD; Wytheville, VA; Lexington, NC; Abbeville, SC; Thomaston, Rochelle, and Atlanta, GA; Samson, AL and the Commercial zone of Miami, FL. Restricted to traffic from or to the facilities of Sero of New Haven, Inc. Supporting shipper: Sero of New Haven, Inc., 130 Hamilton Street, New Haven, CT 06511.

MC 150669 (Sub-1–1TA), filed April 28, 1980. Applicant: NATIONAL HORSE TRANSFER, INC., 41 Glen Head Road, Glen Head, New York 11545. Representative: Alex Nichols, 399 Cold Spring Road, Syosset, New York 11791. Commodity: Zoo animals, cattle, asses, horses (polo, show, race) Non radial in United States. Supporting shipper: International Horse Services, 841 Venetian Avenue, Lindenhurst, New York 11757.

MC 129742 (Sub-1–1TA), filed April 28, 1980. Applicant: PUROLATOR COURIER LTD., 304 The East Mall, Islington, Ontario, Canada M9B 6C7. Representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11042. *General Commodities* (except articles of unusual value, Classes A & B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment) between the ports of entry on the International Boundary Line between the U.S. and Canada, located at Noyes, MN and Pembina, ND, on the one hand, and, on the other, points in MN and ND. Restricted: (1) Against the transportation of packages weighing more than 50 pounds; (2) Against the transportation of packages or atricles weighing in the aggregrate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. There are 20 Certificates of Support attached to this application which may be viewed at Boston, MA.

MC 109802 (Sub-1–1TA), filed April 25, 1980. Applicant: LAKELAND BUS LINES, INC., 425 E. Blackwell Streeet, Dover, NJ 07801. Representative: Edward F. Bowes, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Common carrier, regular routes: Passengers and their baggage and express and newspapers in the same vehicle with passengers (1) between Bernards Township, NJ and the Borough of Manhattan, New York, NY from the entrance to the U.S. Veterans Hospital on Rt. 512 over Rt. 512 (Valley Rd. in Bernards and Passaic Townships, Springfield Ave. in Berkeley Heights, New Providence and Summit, NJ) to junction Morris Ave., Summit, NJ, then over Morris Avenue to junction Broad Street, then over Broad Street to junction access roads to Rt. 24 Freeway (Rt. I–78), in Summit, NJ, then over the access roads to junction Rt. 24 Freeway, then over Rt. 24 Freeway to junction NJ Turnpike Interchange 14 access roads in Newark, NJ, then over the access roads to NJ Turnpike, then over NJ Turnpike to Interchange 16–E, Secaucus, NJ, then over Interchange 16–E exit roads to junction Int. 495, then over Int. 495 to the New Jersey Port Authority Bus Terminal, 41st St., and 8th Ave., New York, NY, and return over the same routes, serving all intermediate points except those east of Vaux Hall Road and Liberty Avenue, Union, NJ. (2) Between Summit, NJ and Borough of Manhattan, New York, NY: From junction Broad Street and access roads to Rt. 24 Freeway (Rt. I–78) in Summit, NJ over Broad Street to junction Morris Avenue, then over Morris Avenue to junction Morris & Essex Turnpike, then over Morris & Essex Turnpike to junction Millburn Avenue, then over Millburn Avenue to junction Vaux Hall Road in Union, NJ, then over Vaux Hall Road to junction Liberty Avenue, then over Liberty Avenue to junction access roads to Rt. 24 Freeway (I–78), then over the access roads to Rt. 24 Freeway, then as described in paragraph 1 above, to the Borough of Manhattan, New York, NY, and retun over the same routes except form junction Millburn Avenue and Essex Street in Millburn Township, proceeding over Essex Street to junction Douglas Street, then over Douglas Street to junction Millburn Avenue, then over Millburn Ave. to junction Morris & Essex Turnpike, then over Morris & Essex Turnpike to Broad St., then over Broad St. to junction access roads to Rt. 24 Freeway (I–78) in Summit, NJ, serving all intermediate points between junction Broad Street and access roads to Rt. 24 Freeway in Summit, NJ and junction Liberty Avenue and Vaux Hall Road, Union, NJ, except no passengers shall be picked up or discharged between junction of Millburn Avenue and Wyoming Avenue, Millburn Township, NJ, and junction of Vaux Hall Road and Springfield Avenue, Union Township, NJ. (3) Between Morris Township, NJ and Borough of Manhattan, New York, NY: From junction Normandy Rd. and Madison Ave., Morris Township, NJ over Madison Ave., (Rt. 24) to junction Main St., Madison, NJ, then over Main St. to junction Rt. 24 Freeway, Summit, NJ then over Rt. 24 Freeway, using both express and service roads on and along Rt. 24 Freeway through Millburn Township and Summit, NJ, then continuing as described in paragraph (1) above to the Borough of Manhattan, New York, NY and return over the same routes, serving all intermediate points on and west of the junction of Liberty Avenue and Vaux Hall Road, Union, NJ. (3a) Alternate route between points in Summit, NJ: from junction River Road and Rt. 24, Summit, NJ over River Road to junction Morris Ave., then over Morris Ave. to junction Springfield Ave., Summit, NJ and return over the same routes, serving all intermediate points. Supporting shippers: 70 public witnesses, the Mayors of Chatham Borough and Madison, NJ and the Civil Defense and Disaster Control Council of Chatham, NJ.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 150683 (Sub-II–1TA), filed April 28, 1980. Applicant: GEORGE FANCSAL, 148 Grandview Ave., Conneaut, OH 44030. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Bases, incandescent electric lamps, and packaging material,* between the facilities of General Electric Co. at Conneaut, OH and Plymouth, FL; and *synthetic resin granules,* from Conneaut, OH to Tampa, FL, for 180 days. Supporting shipper(s): General Electric Co., Noble Rd. & Nela Rd., Cleveland, OH 44112; Allied Resins, Inc., Jackson & Whitney Sts., Conneaut, OH 44030.

MC 147681 (Sub-II–6TA), filed April 28, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. (1) *Equipment, materials and supplies used in the manufacture and installation of equipment used by banks and financial institutions;* (2) *Equipment, materials and supplies used in the construction of banks and financial institutions;* (3) *Office furniture, decorations, and materials and supplies used by banks and financial institutions, between the facilities of Diebold, Inc. at Canton, Hebron, Wooster and Hamilton, OH; Syracuse, NY; Columbia, MD; Elizabeth, NJ; and Livonia, MI; and between the facilities of Diebold, Inc. at the above-named points on the one hand, and, on the other, points in CT, DE, DC, IN, KY, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Diebold, Inc., 818 Mulberry Rd., Canton, OH 44711.*

MC 27817 (Sub-II–2TA), filed April 14, 1980. Applicant: H. C. GABLER, INC., R.D. #3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Such commodities as are used, manufactured, or distributed by manufacturers and distributors of plastic articles,* from points in the States of CT, DE, DC, IL, IN, KY, ME MO, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT and WV to the facilities of Rubbermaid Commercial Products, Inc., Winchester, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, VA 22601.

MC 119315 (Sub-II–2TA), filed April 11, 1980. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Polyhydric alcohol (except in bulk),* from the plantsite of Perstorp, Inc. at Toledo, OH, to points in GA, IL, IN, IA, MI, MN, MO, WI, NJ, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Perstorp, Inc., 600 Matzinger Rd., Toledo, OH 43612.

MC 148412 (Sub-II–1TA), filed April 17, 1980. Applicant: GRIBBLE TRUCKING, INC., R.D. 1, Somerset, PA 15501. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract:* Irregular (1) *Air conditioner compressors,* from Frederick County, MD to Edison, NJ; Effingham, IL and Belding, MI and their respective commercial zones; and (2) *materials and supplies used in the manufacture, sale and distribution of compressors,* from points in NJ, IL, OH, MI and KY to Frederick County, MD, for the account of Fedders Compressor Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fedders Compressor Co., Woodbridge Ave., Edison, NJ 08817.

MC 142703 (Sub-II–2TA), filed April 17, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, 750 W. Third St., Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Such commodities as are dealt in by drug and grocery retail stores, including advertising materials and premiums (except commodities in bulk), and paper, paper articles and plastic film,* between St. Louis, MO, and its commercial zone, on the one hand, and, on the other, points in IN, KY and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Purex Corporation, 6901 McKissock Ave., St. Louis, MO 63147.

MC 124821 (Sub-II–9TA), filed April 10, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Fibrous glass products and materials, mineral wool, mineral products and materials, insulated air ducts, insulating products and materials; glass fiber rovings, yarn and strands, glass fiber mats and mattings,* (1) from the facilities of CertainTeed Corporation, IG, at or near Mountaintop, PA, to points in ME, NH, VT, CT, MA, RI and NY; and (2) from the facilities of CertainTeed Corporation, IG, at or near Williamstown Junction, NJ, to points in ME, NH, VT, CT, MA, RI, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: CertainTeed Corp., IG, P.O. Box 860, Valley Forge, PA 19482.

MC 133099 (Sub-II–4TA), filed April 14, 1980. Applicant: THE GLASGOW & DAVIS COMPANY, P.O. Box 1717, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. *Malt beverages* from Albany, GA to points in MD, Accomack and Northampton Counties, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are eight (8) statements in support attached to this application which may be examined at the ICC regional office in Phila., PA.

MC 67646 (Sub-II–1TA), filed April 14, 1980. Carrier name and address: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). Authority sought: (1) *copper sheet or strip* in coils, *copper bars,* and *copper scrap* (except loose or in bulk), between the plantsites of Hussey Metals Division, Copper Range Co., at or near Leetsdale, PA and Eminence, KY, and (2) *copper sheet or strip* in coils and copper bars from the plantsite of Hussey Metals Division, Copper Range Co., at or near Eminence, KY to Chicago, IL, Cincinnati, OH, Beaver, Bethlehem, Erie, Philadelphia and Pittsburgh, PA, and Long Island City, NY, serving points in the commercial zones of the destinations in (2), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hussey Metals Division, Copper Range Co., Leetsdale, PA 15056.

MC 149043 (SUB-II–2TA), filed April 23, 1980. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Dr., Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030. *Vegetable oils, vegetable oil shortenings and food stuffs,* in bulk, in tank vehicles, from the facility of Capital City Products Co. at Kearny, Bayonne and West New York, NJ to all point in the US, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Capital City Products Cod., Div. of Stokely Van Camp, Inc., P.O Box 569, Columbus, OH 43216.

MC 126320 (Sub-2–1TA), filed April 7, 1980. Applicant: DETTINBURN TRUCKING, INC., Route 3, Box 24, Petersburg, WV. Representative: Daniel B. Johnson, 4304 East–West Highway, Washington, DC 20014. *Dried bakery products* from Carteret, NJ, and its Commerical Zone, to Harrisonburg, Broadway, New Market, Crew, and Urbanna, VA, and their Commercial

Zones, and Morefield, WV, and its Commercial Zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Bakery, Inc., 3300 Northeast Expressway, Suite 1M, Atlanta, GA 30341.

MC 107403 (Sub-II–17TA), filed April 10, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquid fish solubles, in bulk, in tank vehicles,* from Cape Charles, VA to the International Boundary at Niagara Falls, NY for furtherance to Clarkson, Ontario, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 3114 (Sub-II–1TA), filed April 25, 1980. Applicant: T. H. COMPTON, INC., R.F.D. #1, Berkeley Springs, WV. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. *Iron and steel articles, machinery and machinery parts* from the facilities of Commercial Shearing, Inc. at Benton, AR and Kings Mountain, NC to points in the US (except AK and HI). Supporting shipper: Commercial Shearing, Inc., 1775 Logan Ave, Youngstown, OH 44501.

MC 61445 (Sub-II–2TA), filed April 25, 1980. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave, Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 E–W Hwy., Washington, DC 20014. *Iron and steel articles* between Stafford County and Fredricksburg, VA, on the one hand, and, on the other, pts. in MA, CT, RI, NY, NJ NC, SC, GA, and PA, for 180 days. Supporting shipper: Standard Steel Sections, 300 Nelms Circle, Fredricksburg, VA 22401.

MC 121420 (Sub-2–1TA), filed March 21, 1980. Applicant: DART TRUCKING COMPANY, INC., 61 Railroad St., Canfield, OH 44406. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Coal, in bulk, in dump vehicles,* from Mahoning Creek Mine, Armstrong Cty, Pa. to points in OH (including Brookpartk, Canton, Cleveland, Grand River, Lima, Lorain, Sandusky and Walton Hills), and those points in NY on and west of a line beginning at the PA–NY state line and extending over U.S. Hwy 11 to Junction NY Hwy 13, and then over NY Hwy 13 to Lake Ontario for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sharon Steel Corp., Carpentertown Coal & Coke Co., P.O. Box 291, Sharon, PA 16146. The purpose of this republication is to show Armstrong County instead of Armstrong City, PA which was shown incorrectly in the first publication.

MC 44366 (Sub-II–1TA), filed March 12, 1980. Applicant: EUGENE LAVELLE AND EUGENE LAVELLE, JR., d.b.a. LAVELLES EXPRESS, 270 N. Sherman St., Wilkes-Barre, PA 18702. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Household Goods,* as defined by the Commission, including use of winch trucks and other equipment for placing in position at the consignee's premises, between Wilkes-Barre, PA and points in its commercial zone, on the one hand, and, on the other, points in Pennsylvania, having a prior or subsequent movement in interstate commerce, for 180 days. An underlying ETA supports 90 days authority. Applicant intends to interline with another carrier at Wilkes-Barre, PA commercial zone. Supporting shipper(s): Folmer Trucking Company, 109 S. Diamond St., Wilkes-Barre, PA 18702; Harry Mahally, Jr., d.b.a. Mahally Trucking Service, 289 New Grant Ave., P.O. Box 294, Wilkes-Barre, PA 18703. The purpose of this re-publication is to reflect the interlining statement which was omitted in the first publication.

MC 146691 (Sub-2–1TA), filed March 10, 1980. Applicant: JED, INC., P.O. Box 123, Mitlon, DE 19968. Representative: Wayne D. Hudson (same as applicant). *Railroad cross ties,* from Salisbury, MD, Greenwood and Farmington, DE, and Tasley and Nassawadox, VA to the Montgomery, PA area for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with that held under MC 146691 Sub 1TA. Supporting shipper(s): Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. The purpose of this re-publication is to reflect the tacking statement which was omitted in the first publication.

MC 108589 (Sub-2–28TA), filed December 31, 1979. Applicant: EAGLE EXPRESS CO., 11025 Williamson Rd., Cincinnati, OH 45241. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Common carrier, regular routes: *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), (1) between Danville, KY and Lexington, KY, serving Harrodsburg, KY as an intermediate point and Junction City, KY as an off-route point; from Danville, KY over U.S. Hwy 127 to Junction U.S. Hwy 68, thence over U.S. Hwy 68 to Lexington and return over the same route; (2) Alternate route for operating convenience only: between Danville, KY over KY Hwy 34 to Junction U.S. Hwy 27, and then over U.S. Hwy 27 to Lexington, and return over the same route, for 180 days. Restriction: In connection with the routes described immediately above, no service is to be rendered to or from Louisville, KY and its commercial zone. Applicant intends to interline with carriers at Cincinnati, OH; Knoxville, TN and Louisville, KY and Lexington, KY. Applicant intends to tack authority sought herein with that held under MC 108589 and subs thereto. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed below. The purpose of this re-publication is to reflect the tacking and interlining statements which were omitted in the first publication.

MC 150407 (Sub-II–1TA), filed March 24, 1980. Applicant; SPECIAL SERVICE DELIVERY COMPANY, INC., 2514 Bridge Ave, Cleveland, Ohio 44113. Representative: David A. Turano, 100 East Broad St., Columbus, Ohio 43215. (1) *such commodities as are dealt in or used by manufacturers of photographic products (except commodities in bulk) and (2) cleaning compounds, toilet preparations, cosmetics, jewelry, food supplements, cooking utensils, and household and personal care products (except commodities in bulk)* between Cleveland, Columbus and Toledo, OH, and points in their respective commercial zones, on the one hand, and, on the other, points in OH for 180 days. Restricted to traffic having a prior or subsequent movement in interstate commerce. An underlying ETA seeks 90 days authority. Applicant intends to interline with another carrier in Cleveland, Columbus, and Toledo, OH. Supporting shipper(s): Eastman Kodak Company, 1187 Ridge Road West, Rochester, NY 14650, Amway Corporation, 7575 East Fulton Rd., Ada, MI 49355. The purpose of this re-publication is to reflect the interlining statement which was omitted in the first publication.

MC 38921 (Sub-2–13TA), filed January 22, 1980. Applicant: KMA LEASING, INC., 1345 N. Mascher St., Philadelphia, PA 19122. Representative: James Rutherford (same as applicant). *Malt beverages and materials and supplies used in the production and sale of malt beverages (except in bulk), including the return of empty malt beverage containers,* between the facilities of C. Schmidt & Sons, Inc., at or near Cleveland, OH and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MA, MI, NH, NC, NJ, OH, RI, SC, VA, WV, for 180 days. Applicant

intends to tack authority sought herein with that held under MC 38921. Supporting shipper(s): C. Schmidt & Sons, Inc., 127 Edward St., Philadelphia, PA 19123. This applicant is submitted for republication to reflect the tacking statement which was omitted in the first publication.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 3. SEND PROTESTS TO ICC, REGIONAL AUTHORITY CENTER, P.O. BOX 7520, ATLANTA, GA 30357.

MC 146993 (Sub-3–2), filed March 26, 1980. Republication—originally published in **Federal Register** of March 14, 1980, page 25173, volume 45, No. 73. Applicant: VAUGHN CARTAGE COMPANY, P.O. Box 1798, LaGrange, GA 30241. Representative: C. E. Walker, P.O. Box 1098, Columbus, GA 31902. *General commodities,* except commodities in bulk, having a prior or subsequent movement by rail, between ramps at Columbus and Atlanta, GA., on the one hand, and on the other, points in Heard, Troup, Meriwether and Muscogee Counties, GA., and Randolph, Chambers, Lee and Tallapoosa Counties, AL.

MC 145722 (Sub-3–1TA), filed April 28, 1980. Applicant: REM LEASING, INC., 144 Royal Road, Jamestown, NC 27282. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, DC 20005. *Textile products, and materials used in the manufacture thereof,* from points in NC and SC to Atlanta, GA, Tulsa, OK and points in CA. Supporting shipper: Fabricut, Inc., 9303 East 46th St., Tulsa, OK 74145.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 4. SEND PROTESTS TO: ICC, DIRKSEN BLDG., 219 S. DEARBORN ST., ROOM 1386, CHICAGO, IL 60604.

MC 40978 (Sub-4–2TA), filed January 10, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, Wisconsin, 53081. Representative: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee, Wisconsin 53203. (1) *New furniture* from Warrensburg, MO, to points in IL, IN, IA, KY, MI, MN, OH, and WI, and (2) *such commodities* as are used in the manufacture and distribution of furniture, except in bulk, from points in the Chicago, IL commercial zone and Montgomery, IL, to the facilities of All-Steel, Inc., at Warrensburg, Mo, for 180 days. Supporting shipper(s): All-Steel, Inc., P.O. Box 871, Aurora, Il, 60507.

MC 150562 (Sub-4–1TA), filed April 29, 1980. Applicant: FANCHER ENTERPRISES, INC., 1824 W. 52nd Place, Merrillville, IN 46410. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Refractory lining material,* from Crown Point, IN to Cleveland, Lorrain, Steubenville, Mingo Junction, Oak Hill and Portsmouth, OH and Pittsburgh and Aliquippa, PA. Supporting shipper: Gunning Refractories, Inc., 816 E. Porter Street, Crown Point, IN 46307.

MC 145792F (Sub-4–1TA), filed April 30, 1980. Applicant: REO MOVERS & VAN LINES, INC., 7000 S. Chicago Ave., Chiacgo, IL 60637. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016. (A) *Plastic articles, expanded and nonexpanded; Plastic pellets and resins; Petroelum products* and chemicals in bags or drums; except commodities in bulk; between points in the U.S. in and east of ND, SD, NE, KS, OK and TX; Restricted to shipments originating at or destined to the facilities of Amoco Chemical Corp. (B) *Expanded plastic containers & lids; material, equipment and supplies, except in bulk;* between points in and east of ND, SD, NE, KS, OK and TX and West Chicago, IL and Metuchen, NJ; *Restricted* to shipments originating at or destined to the facilities of Handi-Kup, Inc. Supporting shipper: Amoco Chemicals Corporation, 200 E. Randolph Dr., Chicago, IL 60601, Handi-Kup Co., Inc., 1351 Hawthorn, West Chicago, IL 60185.

MC 107162 (Sub-4–5TA), filed April 30, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Lumber* from Memphis, Cookeville, and Morristown, TN, and points in MS and AR to Chicago, IL, and its commercial zone, points in WI south of Wis. Hwy. 64, and points in the Lower Peninsula of MI. An underlying ETA seeks 90 days authority. Supporting shipper: Monarch Hardwood Lumber Company, P.O. Box 572D, Wheeling, IL 60090; Townsend-Robertson Lumber Co., P.O. Box 72, Heber Springs, AR 72543; and Great Lakes Veneer and Lumber Company of Petoskey, Inc., P.O. Box 97, Niagara, WI 54151.

MC 114362 (Sub-4–1TA), filed April 29, 1980. Applicant: ROBERT J. ECKLUND d.b.a. ECKLUND TRUCKING, P.O. Box 151, Kiester, MN 56051. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Feed ingredients,* from points in IA to points in MN and WS. Supporting shipper: The Pillsbury Company, 7900 Xerxes Avenue, Suite 700, Bloomington, MI 55431.

MC 134730 (Sub-4–3TA), filed April 29, 1980. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes, Secretary-Treasurer (same address as applicant). *Contract,* irregular: *Heat Processing Equipment, Parts and Accessories for Heat Processing Equipment, and Materials, Parts, Supplies and Equipment used in the manufacture and repair of heat processing equipment,* between Germantown, WI on the one hand, and, on the other, points in the United States, including AK but excluding contract(s) with Energy Recovery Company. Supporting shipper: Energy Recovery Co., N112W18700 Mequon RD., Germantown, WI.

MC 139154 (Sub-4–1TA), filed April 28, 1980. Applicant: RICHARDS TRANSPORT, LTD, 1155 McKay Street, Regina, Saskatchewan, Canada. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Farm machinery and farm machinery parts* between points in MT and ND, on the one hand, and, on the other, points on the US-Canada Border in MT and ND. An underlying ETA seeks 90 days authority. Supporting shippers: Wil-Rich, Inc., P.O. Box 1013, Wahpeton, ND 58075 and Renn Manufacturing Corporation, 504 Foote St., Billings, MT 59101.

MC 123294 (Sub-4–4TA), filed April 28, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Materials and supplies used in the manufacture of water coolers* from points in IN, OH, and MI to the facilities of Elkay Manufacturing Company at Lanark, IL. Supporting shipper: Elkay Manufacturing Company, 2700 S. 17th Ave., Broadview, IL 60153.

MC 144645 (Sub-4–1TA), filed April 24, 1980. Applicant: ROBERT HANSEN TRUCKING, INC., Route 2, Box 125, Delavan, WI 53115. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract, Irregular Paper and paper articles* from the facilities of School Stationers Corporation at Oshkosh, WI, to points in IA, IL, IN, KS, KY, MI, MN, MO, NY, OH, OK, PA, SD, VA and WV under a continuing contract with School Stationers Corporation of Oshkosh, WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): School Stationers Corporation, 2875 North Main Street, Oshkosh, WI, 54901.

MC 145944 (Sub-4–3TA), filed April 24, 1980. Applicant: H & N TRANSPORT, INC., P.O. Box 148, Cottage Grove, WI 53527. Representative: James A. Spiegel, Esq., Old Towne Office Park, 6425 Odana Road, Madison, WI 53719.

Contract, Irregular: Liquid fertilizer, from East Dubuque. IL and Winona, MN to points in IA and WI. Restricted to transportation to be performed under a continuing contract with N–ReN Corporation. Supporting shipper: N–ReN Corporation, P.O Drawer D, East Dubuque. IL 61025.

MC 148074 (Sub-4–1TA), filed April 25, 1980. Applicant: FRUTH MOTOR TRUCK SERVICE, INC., 720 Scheel Street, P.O. Box 992, Belleville, IL 62221. Representative: Edward D. McNamara, Jr., 907 South Fourth Street, Springfield, IL 62703. *Contract irregular: glass containers, container ends and closures, commodities manufactured or distributed by manufacturers and distributors of containers, when moving in mixed loads with containers, materials, equipment, and supplies used in the manufacturer and distribution of glass containers, container ends and closures, restricted against transportation of commodities in bulk* between the facilities of Brockway Glass Company, Inc., located at or near Lapel, Indiana, on the one hand, and the St. Louis, Missouri commercial zone, on the other hand. Supporting shipper: Brock Glass Products, Inc, McCollough Ave, Brockway, PA 15824.

MC 145944 (Sub-4–2TA), filed April 24, 1980. Applicant: H & N TRANSPORT, INC., P.O. Box 148, Cottage Grove, WI 53527. Representative: James A. Spiegel, Esq., Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract, Irregular: Liquid and dry fertilizer,* in bulk, from Fulton, IL to points in IA and WI. Restricted to transportation to be performed under a continuing contract with Agrico Chemical Company. Supporting shipper: Agrico Chemical Company, Box 3166, Tulsa, OK 74101.

MC 150644 (Sub-4–1TA), filed April 24, 1980. Applicant: GARY L. SODERBERG AND LEROY E. SODERBERG d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Fertilizer and fertilizer ingredients, in bulk, in tank vehicles,* from Lemont, IL, Amboy, IL and Fulton, IL and from Clinton, IA and Dubuque, IA to Clinton, WI. Supporting shipper(s): The De Long Co. Inc., 50111 Frout St., Clinton, WI; Hodge Bros., Route 3, Read Rd., Janesville, WI.

MC 142715 (Sub-4–4), filed April 24, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick, P.O. Box 479, South St. Paul, MN 55075. *Such commodities as dealt in by distributors of foundry materials and supplies.* From Gary, IN; Danville, IL; Chicago, IL; Indianapolis, IN and Cleveland, OH to Milwaukee, WI. Supporting shipper: Rice Foundry Supplies, 4565 Wild Rice Drive, NE. Wyoming, MN 55092.

MC 142305 (Sub–4–1TA), filed in April 28, 1980. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract carrier, Irregular routes: Butter, butter products, and cottage cheese* from the facilities of Topco Associates, Inc., at Green Bay, WI, to the facilities of members of Topco Associates, Inc., at Mobile, AL; Phoenix, AZ; Savanah, GA; Brockton and Holyoke, MA; Grand Rapids, MI; Jackson, MS; Springfield, MO; Wood Ridge, NJ; Jamestown, Norwich and Rochester, NY; Akron, Columbus, Dayton, and Youngstown, OH; Carlisle, Harrisburg, Philadelphia, Pittsburgh, Scranton, and Shiremanstown, PA; and Dallas, Houston and Lubbock, TX, under a continuing contract with Topco Associates, Inc., of Skokie, Illinois, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL, 60076.

MC 106674 (Sub-4–11TA). Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Refractories, refractory products, insulation, insulating materials, materials, equipment and supplies used in the manufacture, distribution and installation of these Commodities* between the facilities of A. P. Green Refractories Company, Inc., located at Bessemer, AL; Kimberly, AL; Macon, GA; Goose Lake, IL; Fulton, MO; Mexico, MO; East Greenville, OH; Jackson, OH; Oak Hill, OH; Climax, PA; Tarentum, PA; Philadelphia, PA; Woodbridge, NJ; Pueblo, CO; Pryor, OK; Thermo, TX; Troy, ID; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Supporting Shipper: A. P. Green Refractories Company, Green Blvd; Mexico, MO 65265.

MC 107295 (Sub-4–9TA), filed April 28, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Composition board,* from Meridian, MS, to KS, LA, OK and TX. Supporting shipper: Cant Strip Corporation of America, Highway 45N, Meridian, MS.

MC 150246 (Sub-4–2TA), filed April 22, 1980. Applicant: BENTON TRUCKING SERVICE, INC., 13331 Inkster Road, Livonia, MI 48150. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Electrical and electronic equipment and supplies* from the facilities of Controlled Power Company at Troy, MI, to all points in the U.S. except AK, HI, and MI. Supporting shipper: Controlled Power Company, 567 Robbins Dr., Troy, MI 48084.

MC 29886 (Sub-4–3TA), filed April 24, 1980. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Albert P. Barber, Vice President Traffic, 4314 39th Avenue, Kenosha, WI 53142. *New trucks,* in initial movements, from Allentown, PA to all points in the United States. Supporting shipper: Mack Trucks, Inc., 2100 Mack Blvd., Allentown, PA 18705.

MC 29886 (Sub-4–1TA), filed April 24, 1980. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Albert P. Barber, Vice President Traffic, 4314 39th Avenue, Kenosha, WI 53142. *Motor vehicles* (assembled or knocked down) from the plant site of AM General Corporation, located in St. Joseph County, IN, to points in DE, MD, VA, NJ, NY and OH. Supporting shipper: AM General Corp., 701 West Chippewa Avenue, South Bend, IN 46680.

MC 124078 (Sub-4–18TA), filed April 21, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. (1) *Mineral slag,* from Carrollton, GA to points in AL, MS & TN, (2) *Dry bulk sand,* from Junction City, GA to points in AL & MS. Supporting shipper: F & S Abrasive Co., Inc., P.O. Box 201, Birmingham, AL 35201.

MC 124078 (Sub-4–17TA), filed April 23, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Fly ash,* from (1) Natrium, WV and (2) Ashtabula, (3) Lorain, and (4) Stratton, OH to points in DC, MD, NY, OH, PA, VA and WV. Supporting shipper: Penn Virginia Materials Corp., 4950 East 345th Street, Willoughby, OH 44094.

MC 51146 (Sub-4–34TA), filed April 21, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities* as are dealt in, or used by, manufacturers and distributors of home appliances and lawn and garden equipment from Fayetteville, TN to Milwaukee, WI. An

underlying ETA seeks 90 days authority. Supporting shipper: Roth Corporation, 11925 W. Carmen Avenue, Milwaukee, WI 53225.

MC 124078 (Sub-4–19TA), filed April 21, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 54215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Calcium chloride,* in bulk, from Germantown, WI to IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD and TN. Supporting shipper: Dederich Corporation, P.O. Box 218, Germantown, WI 53022.

MC 51146 (Sub-4–21TA), filed April 26, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of internal combustion engines* from Detroit, Eaton Rapids, Bridgeman, and Coldwater, MI; Decatur, IL; and E. Longmeadow, MA to New Holstein and Grafton, WI. Supporting shipper: Tecumseh Products Company, 1604 Michigan Avenue, New Holstein, WI 53061.

MC 51146 (Sub-4–36TA), filed April 16, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Equipment, materials, and supplies* used in the manufacture and distribution of appliances from Smithville and Sparta, TN; Versailles, KY; and Sheridan, AR to West Bend, WI. Supporting shipper: The West Bend Company, West Bend, WI 53095.

MC 908 (Sub-4–3TA), filed April 15, 1980. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Argo, IL. 60501. Representative: Eugene L. Cohn, Room 2255, One North La Salle St., Chicago, IL. 60602. *Containers, container ends, and closures; commodities manufactured and distributed by manufacturers and distributors of containers when moving in mixed loads with containers, and materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures.* Between: the facilities of the Boise Cascade Corp., at West Chicago, IL., on the one hand, *AND,* on the other hand, points in IN., and Cincinnati, OH. Underlying ETA seeks 90 day authority. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, ID. 83707.

MC 147546 (Sub-4–1TA), filed April 23, 1980. Applicant: DEPENDON, INC., 875 East Rand Road, DesPlaines, IL 60016. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier:* Irregular route: *Copy machine parts, copy machine accessories and supplies,* from DesPlaines and Franklin Park, IL to points in IN, MI and WI. An underlying E/T/A seeks 90 days authority. Supporting shipper: Xerox, Inc., 300 DesPlaines Ave., DesPlaines, IL 60018.

MC 136877 (Sub-4–1TA), filed April 25, 1980. Applicant: P & G MOTOR EXPRESS, INC., 601 Collinsville Ave., P.O. Box 485, E. St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Household cleaning, scouring, and washing products and containers therefor* (except commodities in bulk), (1) From the facilities of Purex Corporation at St. Louis, MO, to points in IL; and (2) From Morris, Carol Stream, and Chicago, IL, to the facilities of Purex Corporation at St. Louis, MO. An underlying ETA seeks 90 days authority. Supporting shipper: Purex Corporation, 6901 McKissock, St. Louis, MO 63147.

MC 123407 (Sub-4–31TA), filed April 28, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Metal cans and ends* from Valparaiso, IN, to Haskell, OK. An underlying ETA seeks 90 days authority. Supporting shipper: The Coca Cola Co., Foods Div., 2351 Industrial Dr., Valparaiso, IN 46383.

MC 123407 (Sub-4–29TA), filed April 25, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Machinery, materials and supplies used in the manufacture of sinks,* from points in the U.S. in and east of MN, IA, MO, AR, and LA to the facilities of Elkay Manufacturing Company at Lumberton, NC. An underlying ETA seeks 90 days authority. Supporting shipper: Elkay Manufacturing Company, 2700 S. 17th Ave., Broadview, IL 60153.

MC 123407 (Sub–30TA), filed April 28, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Such commodities as are dealt in or used by manufacturers of kitchen and plumbing products,* from the facilities of Elkay Manufacturing Company at Dayton, TN, to points in the U.S. in and east of MN, IA, MO, AR, and LA. Supporting shipper: Elkay Manufacturing Company, 2700 S. 17th Ave., Broadview, IL 60153.

MC 147291 (Sub-4–1TA), filed April 24, 1980. Applicant: OCCO TRANSPORT, INC., Industrial Park Blvd., Cokato, MN 55321. Representative: Robert Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract;* irregular; *Iron or steel wire rope and empty wood reels,* between St. Joseph, MO on the one hand, and on the other, points in ND and MT, under continuing contract(s) with Wire Rope Corp. of Amer. An underlying ETA seeks 90 days authority. Supporting shipper: Wire Rope Corporation of America, Inc., 609 N. 2nd St., St. Joseph, MO 64502.

MC 150637 (Sub-4–1TA), filed April 21, 1980. Applicant: LAKE COUNTY BUS COMPANY, INC., 3383 Burr St., Gary, IN 46406. Representative: Warren C. Moberly, 320 N. Meridian St., No. 777, Indianapolis, IN 46204. *Persons and their baggage in charter bus service,* between points in Lake County, IN, on the one hand, and on the other, points in Chicago, IL commercial zone. There are six supporting shippers.

MC 134477 (Sub-4–24TA), filed April 21, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Chemicals (except in bulk),* from Kalama, WA to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Kalama Chemical, Inc., The Bank of California Center, Seattle, WA 98184.

MC 24379 (Sub-4–3), filed January 18, 1980. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight MIle Road, Oak Park, MI 48237. Representative: Donald G. Hichman (same address as applicant). (a) *Malt beverages; malt beverage dispensing equipment; and advertising material and supplies* from points in NJ to points in CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN and WI and (b) *empty malt beverage containers* in reverse direction. Underlying ETA filed seeking 90 days authority. Supporting shipper: Van Munching & Co., 51 W. 51st St., New York, NY 10019.

MC 147007 (Sub-4–2 TA), filed January 8, 1980. Applicant: EVERFRESH TRANSPORTATION COMPANY, 6431 East Palmer, Detroit, MI 48211. Representative: John S. Barbour, 2711 East Jefferson, Suite 203, Detroit, MI 48207. *Contract;* irregular; *Frozen citrus juice concentrates in 55 gallon steel drums* between points in Florida, on and North of Florida State Highway 27, and Homestead and Flamingo, on the one hand, and on the other, points in the Kokomo, IN commercial zone and the Leipsic, OH commercial zone, under contracts with Libby, McNeill & Libby.

An underlying ETA seeks 90 day authority. Supporting shipper: Libby, McNeill & Libby, 3500 N.E. Silver Springs Blvd., Ocala, FL 32670.

MC 150046 (Sub-4–2TA), filed January 22, 1980. Applicant: WALTS TERMINAL, INC., 401 West South Street, Indianapolis, IN 46225. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *(1) Treated and untreated dimensional lumber, timbers, and poles,* from the facilities of Indiana Wood Preserving, Inc., at or near Morristown, IN, to points in MN, WI, MI, OH, IL, IA, and KY; and *(2) Materials, equipment and supplies used in the manufacture, sale and distribution of these commodities,* in the reverse direction. An underlying ETA seeks 90 days authority. Supporting shipper: Indiana Wood Preserving, Inc., Box 506, Morristown, IN 46161.

MC 150194 (Sub-4–1TA), filed January 30, 1980. Applicant: PALLET TRANSFER, INC., Sioux Falls, South Dakota 57101. Representative: Claude Stewart, P.O. Box 480, Sioux Falls, South Dakota 57101. (1) *Wooden pallets and pallet components* from Sioux Falls, South Dakota, to IA, KS, MN, MO, NE, WI, WY, and Wyoming. (2) *Lumber materials used in manufacture of wooden pallets* from Points in MN and WY to Sioux Falls, SD. Supporting shipper: Sioux Vocational School, 4100 S. Western, Sioux Falls, SD.

MC 143291 (Sub-4–1TA), filed February 29, 1980. Applicant: RAYLS BROS. TRANSFER, INC., Box 432, North Dixie Highway, Hoopeston, IL 60942. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. (1) *Such commodities as are dealt in by wholesale, retail, chain drug and food business houses;* and (2) *Materials, equipment and supplies used in the manufacture, sale and distribution of commodities in (1) above, (except in bulk)* between the facilities of Colgate Palmolive Company, Inc., Jeffersonville, IN on the one hand, and on the other points in IL, WI and MI. Supporting shipper: Colgate Palmolive Company, Inc., P.O. Box 9, Jeffersonville, IN 47130.

MC 147275 (Sub-4–1TA), filed February 28, 1980. Applicant: K–W EXPRESS, INC., 6576 Belding Road, Belding, MI 48809. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Ready to assemble furniture from the facilities of LuVan, Inc. located at or near Belding, MI to Chicago, IL, Miami, FL, and Los Angeles, CA.* Supporting shipper: LuVan, Inc., 1129 South Bridge Street, Belding, MI 48809.

MC 146643 (Sub-4–6TA), filed February 28, 1980. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Contract carrier: irregular: Such commodities as are dealt in by wholesale and retail hardware stores,* (1) from Chicago, Cary and Rosemont, IL to Indianapolis, IN; Mankato, MN; and Cleveland, OH; and (2) from points in IN, Lower Peninsula of MI, MN, OH, and WI to Chicago, Cary and Rosemont, IL. The supporting shipper is Cotter & Company, 2740 Clybourn Avenue, Chicago, IL 60614.

MC 51146 (Sub-4–20TA), filed February 28, 1980. Applicant: SCHNEIDER TRANSPORT INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same as applicant). *Rubber wheels* from Barberton, OH to Hustisford, WI. Applicant filed an underlying ETA seeking up to 90 days authority. Supporting shipper: Wagner Products Division, 331 Riverview Drive, Hustisford, WI 53034 (Joyce D. Dorn).

MC 140509 (Sub-4–1TA), filed March 3, 1980. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, Minnesota 56511. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, North Dakota 58108. *Contract carrier:* irregular: *institutional furniture,* in temperature controlled vans, from Nevis, MN, to Chicago, IL, and its commercial zone, and Milwaukee, WI, and its commercial zone. Applicant filed underlying ETA seeking up to 90 days authority. Supporting shipper: Belew's Wood Products, 833315—15th Avenue South, Bloomington, MN 55420.

MC 106603 (Sub-4–1TA), filed February 29, 1980. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, S.W., P.O. Box 8099 Grand Rapids, MI 49508. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Composition board, plywood, and asbestos board from the facilities of J & S wood Products located at or near Dowagiac, MI to points in AL, AR, FL, GA, IL, IN, KS, KY, MN, MO, NY, NC, OH, PA, TN, TX, VA, and WI. S/S: J. & S Wood, P.O. Box 547, Dowagiac, MI 49047.*

MC 143776 (Sub-4–1TA), filed February 29, 1980. Applicant: CDB., INC., 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Bananas* from Charleston, SC, Gulfport, MS, Moible, AL, Tampa, FL, Newark, NJ, Brooklyn and Albany, NY and Wilmington, DE and their commercial zones to Grand Rapids, MI and its commercial zone. An underlying ETA seeks 90-day authority. Supporting shipper: Top Distributing, 1317 Terminal Crescent, S.W. Grand Rapids, MI. 49503; Van Ecrden Co. 1150 Freeman S.W., Grand Rapids, MI 49503.

MC 136183 (Sub-4–1TA), filed February 29, 1980. Applicant: B & C MOTOR FREIGHT, INC., P.O. Box 166, Peru, IN. 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN. 46240. *Fertilizer,* from Louisville, Ky. to points in OH and IN. Supporting shipper: Kaiser Agricultural Chemical, Co., P.O. Box 246, Savannah, GA, 31402.

MC 146756 (Sub-4–1TA), filed February 25, 1980. Applicant: WAGNER'S TRUCKING INC., 6585 Dawn Way, Inver Grove Heights, MN 55075. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, Minnesota 55435. *Building materials,* between points in IA, IL, IN, MN, NE, ND, SD, and WI, restricted to traffic originating at or destined to the facilities of Jones Lumber Corp. An underlying ETA seeks up to 90 days authority. Supporting shipper: Jones Lumber Corp., 722 Kasota Circle, Minneapolis, MN 55414.

MC 150105 (Sub-4–3TA), filed February 25, 1980. Applicant: KING ASSOCIATED ENTERPRISES, LTD., P.O. Box 253, Butler, WI 53007. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract carrier:* Irregular routes: *Commodities for the purpose of recycling* between Brookfield and Menomonee Falls, WI, on the one hand, and, on the other, Shakopee and Rosemount, MN; Gurnee, Mundeleine, Plainfield, and Streator, IL; Dunkirk, Winchester and Terre Haute, IN; Charlotte, MI; and Columbus, OH, under contract with ReCom, Inc., of Brookfield, WI. An underlying ETA seeks 90 days authority. Supporting shipper: ReCom, Inc., N56 W12828 Silver Spring Road, Menomonee Falls, WI 53051.

MC 150189 (Sub-4–1), filed March 28, 1980. Applicant: R. G. BERRY, Box 8, Shawneetown, IL 62984. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Foodstuffs, (except in bulk)* from the facilities of Anderson Clayton Foods, at Jacksonville, IL to points in AL, FL, GA, KY, MS, NC, SC and TN. An underlying ETA seeks 90 days authority. Supporting shipper: Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266.

MC 146880 (Sub-4–2TA), filed February 26, 1980. Applicant: LOWELL E. DENTON, d.b.a. DENTON CARTAGE COMPANY, P.O. Box 40, Palos Park, IL 60464. Representative: Anthony E.

Young, 29 South LaSalle St., Chicago, IL 60603. *Such commodities as are manufactured by manufacturers of plastic and metal articles* from the facilities of Century Products, Inc. at Stow and Canton, OH to points in IL, IA, MN and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Century Products, Inc., 5271 Southway S.W., Canton, OH 44706.

MC 128772 (Sub-4–1TA), filed February 29, 1980. Applicant: STAR BULK TRANSPORT, INC., 821 North Front Street, New Ulm, MN 56073. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contract carrier: Irregular routes: Cereal, plastic articles, lunch and picnic kits, napkins, salt, pepper, sugar, condiments, and straws* (except in bulk), from Clinton, MA to points in IL, IN, MI, MN, MO, NY, ND, OH and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Van Brode Milling Co., Inc., 20 Cameron St., Clinton, MA 01510.

MC 134477 (Sub-4–16TA), filed February 29, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Chemicals* (except in bulk), from points in TX to points in IL, IN, IA, KS, MN, MO, NE, and WI. Restricted to traffic destined to the facilities of McKesson Chemical Company for 180 days. Supporting shipper: McKesson Chemical Company, 600 Hunter Drive, Oakbrook, IL 60521.

MC (Sub-4–1TA), filed February 8, 1980. Applicant: OVERLAND EXPRESS, 8651 Naples St. NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West. St. Paul, MN 55118. *Pet foods* (except in bulk) from Perham, MN to points in FL, IL, IN, LA, MA, MI, MD, NJ, NY, OH and TN. Supporting shipper: Tuffy's Inc., P.O. Box 190, Perham, MN.

MC 146880 (Sub-4–3TA), filed February 29, 1980. Applicant: LOWELL E. DENTON, d.b.a. DENTON CARTAGE COMPANY, P.O. Box 40, Palos Park, IL 60464. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. *Empty container chassis'* between Chicago, IL on the one hand, and on the other, Detroit, MI, Cleveland, OH, St. Louis, MO, Baltimore, MD and Norfolk, VA. An underlying ETA seeks 90 days authority. Supporting shipper: Transport International Pool, 210 North Ogden Avenue, Chicago, IL 60607.

MC 69833 (Sub-4–1), filed February 29, 1980. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad, Associated Truck Lines, Inc., 200 Monroe Avenue, NW—6th Floor, Grand Rapids, MI 49503. *Common carrier: regular routes; 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), from Danville, IL to Lafayette, IN serving the intermediate point of Attica, IN over U.S. Hwy. 136 to junction U.S. Hwy. 41, then over U.S. Hwy. 41 to junction Indiana Hwy. 28, then over Indiana Hwy. 28 to junction Indiana Hwy. 25, then over Indiana Hwy. 25 to Lafayette and return over the same route. Supporting shippers: Myers Steel Fab Co., Inc., 1100 Division St., Attica, IN 47918; BI–County Farm & Home Supply, RR.4, Attica, IN 47918.

MC 118696 (Sub-4–5TA), filed February 28, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Cathode ray television picture tubes* and/or parts and materials used in the manufacturing thereof, between Marion, IN and Nashville, TN. Supporting shipper: Jack H. Dick, RCA Corporation, Building 204–2, Cherry Hill, NJ.

MC 124170 (Sub-4–3TA), filed March 3, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines,* from the facilities of Heublein, Inc., at or near Hartford, CT to points in AZ, CA, CO, ID, IL, IN, KY, MI, NV, TN and WI. (Restriction: The above authority is restricted to the movement of traffic originating at the named facilities.) An underlying ETA seeks 90 days authority. Supporting shipper: Heublein, Inc., 300 New Park Avenue, Hartford, CT 06101.

MC 147038 (Sub-4–1TA), filed March 3, 1980. Applicant: CLAYTON STRANGE, Wallace, MI 49893. Representative: Thomas P. Schwaba, 1912 Hall Avenue, Marinette, WI 54143. *Contract carrier: irregular routes: bulk castings, scrap borings, and scrap castings,* between the Waupaca Foundry facility in Marinette, WI and Clinton, Lansing, Detroit, Flint, Holland, and Saginaw, MI, on the one hand, and, on the other hand, the facilities of the Budd Company in Ashland, OH and the Dayton Walthers Company in Muncie, IN, under contract with Waupaca Foundry, Inc., a subsidiary of the Budd Company. Supporting shipper: Waupaca Foundry, Inc., P.O. Box 249, Waupaca, WI.

MC 150067 (Sub-4–1TA), filed March 3, 1980. Applicant: WILLETT INTERSTATE SYSTEM, INC., 3901 S. Ashland Avenue, Chicago, IL 60609. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract carrier: irregular routes: Commodities, such as are dealt in by retail discount stores, (except in bulk),* under contract, with Venture Stores, Inc., St. Ann, MO, (1) Between the commercial zones of Chicago, IL; Kansas City, MO; Peoria, IL; St. Louis, MO; and Springfield, MO; also, (2) Between the commercial zone of Chicago, IL, on the one hand, and, on the other, points in Davenport, IA, commercial zone. Supporting shipper: Venture Stores, Inc., 615 Northwest Plaza, St. Ann, MO 63074.

MC 116519 (Sub-4–1TA), filed February 28, 1980. Applicant: FREDERICK TRANSPORT LIMITED, R.R. No. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Attorney at Law, Suite 733, 1511 K Street NW., Washington, DC 20005. *Such commodities as are dealt in or used by agricultural equipment dealers* (except in bulk) from Albany, GA, Kewanee and Bloomington, IL, Hopkins, Green Isle, and Glencoe, MN, Stratton, NE, Fulton, MO, Dewey, OK, Athens, TN, Loceney, TX, Brillion, Broadhead, and New Holstein, WI, to ports of entry on the United States-Canada boundary line located in MI and NY, restricted (1) to traffic moving in foreign commerce and (2) to the facilities and/or dealers of Allied Farm Equipment (Canada) Limited in the Provinces of Ontario, Quebec, Prince Edward Island, Nova Scotia, New Brunswick and Newfoundland, Canada. Supporting shipper: Allied Farm Equipment (Canada) Limited, P.O. Box 910, St. Mary's, Ontario, Canada NOM 2VO.

MC 107162 (Sub-4–1TA), filed February 28, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Roofing materials* (except in bulk) from points in the Chicago, IL Commercial Zone to points in the Upper Peninsular of MI and points in Florence, Forest, Oneida and Vilas Counties, WI. Supporting shipper: Sylvan Products Corp., P.O. Box 87, Phelps, WI, 54554.

MC 135231 (Sub-4–1), filed February 13, 1980. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway and 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. (1) *Iron or steel articles* (except in

bulk) from the facilities of North Star Steel Co. at or near Monroe, MI to points in IA, MN, NE, ND, SD and WI; (2) *Materials, supplies and equipment (except in bulk) used in the manufacture of iron and steel articles* in the reverse direction of (1). Supporting shipper: North Star Steel Co., 2901 Metro Drive, Minneapolis, MN 55420.

MC 124247 (Sub-4–1TA), filed February 28, 1980. Applicant: DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, IL 60031. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. *Cement, in bulk and in bags,* from the facilities of Universal Atlas Cement Company at Milwaukee, WI, to the facilities of Johns-Manville Sales Corporation at Waukegan, IL, for 180 days. An underlying ETA seeks 90-day authority. Supporting shipper: Johns-Manville Sales Corporation, 2222 Kensington Court, Oak Brook, IL 60521.

MC 86247 (Sub-4–3), filed February 15, 1980. Applicant: ICL-INTERNATIONAL CARRIERS LIMITED, 7701 West Jefferson Avenue, Detroit, Michigan. Representative: ALEX J. MILLER, P.O. Box 244, Bloomfield Hills, MI 48013. *Lime and limestone products, in bulk,* from the international boundary line of the United States and Canada at Detroit and Port Huron, MI, to Charlotte, MI, restricted, to foreign traffic. Supporting shipper: Beachuilime Limited, P.O. Box 217, Inversol, Ontario, CDA. N5C3K5.

MC 106674 (Sub-4–5TA), filed February 19, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Molding Compounds* from Polymer Engineering, Inc., at Lafayette, IN to Minneapolis, MN and Concordville, PA. Supporting shipper: Polymer Engineering, Inc., 201 E. 3rd St., Brookston, IN 47923.

MC 109490 (Sub-4–1TA), filed February 22, 1980. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI. Representative: Ronald E. Laitsch, 117 S. Third Street, Watertown, WI 53094. *Foodstuffs and food ingredients* from Elroy and Wisconsin Rapids, WI, Dawson and Clarkfield, MN, Springfield, KY, Helena, AR, Mexico, MO, and LaFargeville, NY, to points in IL, WI, MI, OH, IA, CA, TX, OK, AR, MO, KS, IN, KY, and MN. Supporting shipper: Food Ingredients, Inc., P.O. Box 157, Elk Grove Village, IL 60007.

MC 140416 (Sub-4–1TA), filed February 26, 1980. Applicant: BOOCHER TRUCKING, INC., Rural Route No. 2, North Manchester, IN 46962. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract Irregular: Feed and feed ingredients,* between the facilities of Ralston Purina Company at Milford, IN, on the one hand, and, on the other, points in MI, under contract with Ralston Purina Company. Applicant has underlying ETA seeking 90 days authority. Supporting shipper: Ralston Purina Company, Box 606, Milford, IN 46542.

MC 111274 (Sub-4–1TA), filed January 14, 1980. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL. 61550. Representative: Frederick C. Schmidgall, P.O. Box 351, Morton, IL. 61550. *Contract carrier,* irregular (1) *Materials and components used or useful in the manufacture, erection and completion of metal buildings and* (2) *Metal buildings,* between El Paso, IL, and points in SC, NM, AZ, UT, NV, CA, OR, WA, and Idaho under contract with Marathon Metallic Bldg. Co. of El Paso, Illinois. Supporting shipper: Marathon Metallic Bldg. Co., P.O. Box 8, Rt. 24, El Paso, IL 61738.

MC 107445 (Sub-4–3TA), filed February 15, 1980. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Avenue, Indianapolis, IN 46225. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Mobile cranes, fork lifts, tow trucks and parts thereof,* and (2) *Mobile Cranes and tow trucks in drive-away service* between the facilities of Pettibone Hanson Machinery Co., at Tiffin, OH on the one hand, and, on the other, points in the U.S. (including AK but excluding HI). Applicant has underlying ETA seeking 90 days authority. Supporting shipper: Pettibone Hanson Machine Co., 235 Miami Street, Tiffin, OH 44883.

MC 127840 (Sub-4–2TA), filed February 25, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: WILLIAM H. TOWLE, 180 North LaSalle Street, Chicago, IL 60601. *Liquid adhesives,* in bulk, in tank vehicles, from Marysville, MI to Bellwood, IL. Supporting shipper: St. Clair Rubber Company, 1765 Michigan, Marysville, MI 48040.

MC 102817 (Sub-4–4TA), filed February 25, 1980. Applicant: Perkins Furniture Transport, Inc., P.O. Box 24335, Indianapolis, IN 46254. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, In 46204. *Steel office furniture and equipment,* from Bronx, NY to points in IN, MI, IL, KY, TN, MO and WI. Supporting shipper: Art Steel Co., Inc., 170 W. 233rd St., Bronx, NY 10463.

MC 149057 (Sub-4–1TA), filed February 25, 1980. Applicant: C & M TRUCKING, INC., 3500 North Monroe, Monroe, MI 48161. Representative: John C. Scherbarth, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. (1) *Iron and steel articles* from the facilities of North Star Steel Company at or near Monroe, MI to points in IL, IN, KY, NY, OH, PA, WV and WI, and *materials, equipment and supplies used in the manufacture and distribution of iron and steel articles* in the reverse direction; (2) *Iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles* between the facilities of North Star Steel located at or near Monroe, MI, Wilton, IA and St. Paul, MN. Supporting Shipper: North Star Steel Co., 2901 Metro Dr., Minneapolis, MN 55420.

MC 107605 (Sub-4–1TA), filed February 19, 1980. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road N.E., Minneapolis, MN 55413. Representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. *Common; Regular; General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requireing special equipment)* between Mora, MN and its commercial zone, and Fort Worth, TX and commercial zones of Cambridge and Isanti, MN, Kansas City, MO and Kansas City, KS, and Dallas, TX; from Mora over MN Hwy. 65 to its junction with Interstate Hwy. 35; then over Interstate Hwy. 35 to Fort Worth, and return over the same route. Applicant intends to tack authority and interline underlying ETA seeks 90 days authority. Supporting Shipper: There are eleven supporting shippers.

MC 69833 (Sub-4–2TA), filed February 29, 1980. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW–6th Floor, Grand Rapids, MI. 49503. Representative: Harry Pohlad, Vice President, Regulation, Associated Truck Lines, Inc., 200 Monroe Avenue, NW, 6th Floor, Grand Rapids, MI. 49503. Common carrier, regular routes, *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 equipent), serving West Salem, IL as an off-route point in connection with carrier's authorized regular route operations. Supporting shipper Champion Laboratories, Inc., 4th & Walnut Albion, IL 62806.

MC 139151 (Sub-4–1TA), filed February 29, 1980. Applicant: CANUS TRUCKING, LTD., 150 Sutherland Avenue, Winnipeg, Manitoba, Canada R2W 5K4. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N. W., Washington, D.C. 20005. *Paper,* from Grand Rapids, MN, and Alpena, MI, to the port of entry on the U.S./Canada boundary line at or near Noyes, MN. Supporting Shippers: Barber-Ellis, Division of Barbecon, Inc., 11 Saulteaux Crescent, Winnipeg, Manitoba, Canada R3J 3V7; and Public Press, 1760 Ellice, Winnipeg, Manitoba, Canada R3H OB6.

MC 149416 (Sub-4–1TA), filed January 14, 1980. Applicant: R. J. MOSUR, d.b.a. R. J. MOSUR & SON, P.O. Box 244, Menominee, MI 49858. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Contract Irregular: *Ice cream flavorings, additives, and dessert preparations (except in bulk),* from the facilities of Flavors of Waukesha, Division of Eskimo Pie Corporation at New Berlin, WI, to points in AR, IA, KS, MO, OK, and TX, under contract with Flavors of Waukesha, Division of Eskimo Pie Corporation. An underlying ETA seeks 90 days authority. Supporting shipper: Flavors of Waukesha, Division of Eskimo Pie Corporation, 2400 South Calhoun Road, New Berlin, WI 53151.

MC 105269 (Sub-4–2TA), filed January 20, 1980. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. *Paper and paper products:* Between Canton and Cleveland, OH, and points in MI. Restricted to transportation of products of St. Regis Paper Co. An underlying ETA seeks 90 day authority. Supporting shipper: St. Regis Paper Company, 7 Parkway Center, Pittsburgh, PA 15220.

MC 107012 (Sub-4–7TA), filed January 30, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, Indiana 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, Indiana 46801 (219) 429–2110. *New furniture* from the facilities of Tropitone Furniture Co. Inc., located at or near Sarsota, FL to points in AL, CT, DE, DC, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and WV. Supporting shipper: Tropitone Furniture Co., Inc., North Highway 301, Sarasota, FL 33580.

MC 908 (Sub-4–2TA), filed January 17, 1980. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Arto, IL 60501. Representative: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. *Water heaters, NOI., storage type commercial or multi; vents and parts thereof; tanks, water heaters steel cylindrical or hydropneumatic; tanks, filter or water softener, containers sheet iron or steel viz: drums, pails or cans, NOIBN, and materials, equipment and supplies used in the manufacture and distribution of the aforementioned commodities* between the Chicago, IL commercial zone on the one hand, and, on the other, points and places in IN, Louisville, KY, Cincinnati, OH, and their respective commercial zones. An underlying ETA seeks 90 days authority. Supporting shipper: Rheem Manufacturing Co., 7600 S. Kedzie Avenue, Chicago, IL 60632.

MC 144927 (Sub-4–1TA), filed March 3, 1980. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, Attorney at Law, 320 North Meridian Street, Indianapolis, IN 46204 (317) 639–4511. *Phonograph records, sound recorded tapes, and tape recorders,* from Ancora, Linden, and Westville, NJ, Indianapolis, IN, and Los Angeles, CA, to points and places in and east of the states of MN, IA, MO, AR, and LA. Supporting shippers: Polygram Distribution Inc., 810 7th Ave., N.Y., N.Y. 10019. Presswell Records Mfg. Co., Whitehorse Pike & Ehke Rd., Ancora, N.J. 08037. Soundmaker Mfg. Inc., 611 Delsie Dr., Woodbury, N.J. 08096.

MC 134477 (Sub-4–15TA), filed February 28, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Cleaning and washing compounds, buffing and polishing compounds, textile softener, lubricants, hypochlorite solution, deodorants, disinfectants, paints, plastic bags and filters)* (except in bulk), from the facilities of Economics Laboratory, Inc. at or near Joliet, IL to points in NC. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC 119815 (Sub-4–1TA), filed February 28, 1980. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 814 Norton Avenue, Bedford, IN 47421. Representative: Ronald N. Cobert, Esq., 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract; Irregular; Aluminum, aluminum articles, aluminum products, and iron and steel culverts,* from Anderson, SC to points in AL, DE, FL, GA, KY, MD, MS, MC, SC, TN, VA, and WV, under contract with Kaiser Aluminum & Chemical Corporation. Supporting shipper: Kaiser Aluminum & Chemical Corporation, P.O. Box 1405, Anderson, SC 29622.

MC 142920 (Sub-4–1TA), filed February 20, 1980. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract, Irregular: Such commodities as are dealt in or used by manufacturers or distributors of sound, communications, educational or entertainment materials (except in bulk),* between points in IN, on the one hand, and, on the other, points in CT, DC, DE, NY, NJ, PA, MD, VA, CA and IL. Supporting shipper: PRC Recording Co., 1600 Rich Road, Richmond, IN 47374.

MC 123407 (Sub-4–24TA), filed February 28, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Fibreboard and paperboard containers and accessorial items* (1) From Alpha, OH, to Galveston, TX, Houston, TX, Atlanta, GA, and LaGrange, GA; (2) From Orlando, FL, to Sodus, MI, and Chicago, IL; (3) From Hartsville, SC, to Kansas City, MO; (4) From Naperville, IL, to Perham, MN, Minneapolis, MN, and St. Paul, MN; (5) From St. Louis, MO, to Guntersville, AL; and (6) From Henderson, TN, to Sherman, TX, Grand Prairie, TX, Cincinnati, OH, Chicago, IL, Jacksonville, FL, and Dover, DE. Restricted to the transportation of shipments originating at the facilities of Sonoco Products Company. Supporting shipper: Sonoco Products Company, North Second Street, Hartsville, SC 29550.

MC 124554 (Sub-4–1TA), filed February 29, 1980. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract; Irregular; Books, and bookcases, knocked down, in mixed loads with books,* from the facilities of Encyclopedia Britannica, Inc., at Chicago, IL, to points in the Upper Peninsula of MI, and those in MN in and south of Clay, Becker, Hubbard, Cass, Aitkin, and St. Louis Counties, MN, under contract with Encyclopedia Britannica, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Encyclopedia Britannica, Inc., 425 North Michigan Avenue, Chicago, IL, 60611.

MC 150103 (Sub-4–2TA), filed February 29, 1980. Applicant: SCHWEIGER INDUSTRIES, INC., 116 W. Washington St., Jefferson, WI 53549.

Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract; Irregular: Synthetic staple fiber and synthetic yarn* from Rossville, GA to Jefferson, WI, under contract with Borg Textile Corporation, a division of Bunker Ramo. Supporting shipper: Borg Textile Corporation, a Division of Bunker Ramo, Suite 101, Franklin Bldg., Eastgate Center, Chattanooga, TN 37411.

MC 146628 (Sub-4–1TA), filed February 29, 1980. Applicant: HUNT SUPER SERVICE, INC., Route 50, Bradley, IL 60915. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174. *Contract; irregular; Fresh carcass meat, suspended,* from Ashkum, IL to New York, NY. An underlying ETA seeks 90 days authority. Supporting shipper, Swissland Packing Company, RR 2, Askum, IL 60911.

MC 125708 (Sub-4–3TA), filed March 3, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd St., East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. (1) *aluminum ingots and zinc alloy ingots* form Maple Heights, OH, to AL, IL, IN, IA, KY, MI, MN, MO, NJ, NY, PA, TN and WI; and (2) *zinc articles and aluminim scrap* from points in the destination area in (1) to Maple Heights, OH, restricted to traffic originating at or destined to the facilities of Aluminum Smelting & Refining Co., Inc., at or near Maple Heights, OH. An underlying ETA seeks 90 days authority. Supporting shipper: Aluminum Smelting & Refining Co., Inc., 5463 Durham Rd., Maple Heights, OH 44137.

MC 117165 (Sub-4–1TA), filed March 3, 1980. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, In 46360. Representative: James Hodge, 1980 Financial Center, Des Moines, IA 50309. *Lumber, fiberboard panelling, and composition board* from Grand Rapids, MI, to Castleton, IN. An underlying ETA seeks 90 days authority. Supporting shipper: T. W. Hager Lumber Co., P.O. Box 9040, Grand Rapids, MI 49509.

MC 110988 (Sub-4–12), filed March 3, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Titanium sulfate* from Gloucester City, NJ to Appleton, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Dresser Industries, Inc., 601 Jefferson, P.O. Box 6504, Houston, TX 77005.

MC 150157 (Sub-4–1TA), filed March 4, 1980. Applicant: REGENCY MOTOR FREIGHT, INC., Suite 1208, 16333 Trenton Road, Southgate, MI 48196. Representative: Edwin Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *General commodities, (except those of unusual value, Classes A & B explosives, commodities in bulk, and those because of size and weight require special equipment),* (1) between Chicago, IL and Minneapolis, MN; (2) between Kansas City, MO and St. Louis, MO; (3) between Kansas City, MO and Chicago, IL; (4) between St. Louis, MO and Nashville, TN; Memphis, TN and Little Rock, AR. The above authority is restricted to traffic having a prior or subsequent movement by air. An underlying ETA seeks 90 days authority. Supporting shipper: There are eight supporting shippers.

MC 133689 (Sub-4–5TA), filed January 9, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street, N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs and equipment, materials, and supplies useful in the manufacture, sale and distribution of foodstuffs (except in bulk),* between the facilities of American Home Foods at or near LaPorte, IN, on the one hand, and points in the United States in and east of ND, SD, NE, KS, OK and TX, on the other hand. Supporting shipper: American Home Foods, 685 Third Avenue, New York, NY 10017.

MC 150047 (Sub-4–2TA), filed March 4, 1980. Applicant: KOHLER TRUCKING, INC., P.O. Box 592, East 6th Ave., Clifton, IL 60927. Representative: Edward McNamara, 907 S. 4th St., Springfield, IL 62703. *Insulation material in bags,* from the facilities of Perlite Developers, Inc. located at St. Anne, IL to points in WI, MN, IA, VA, NC, NJ, MI, AZ, AL, CO, UT, NV, OH, and GA. An underlying ETA seeks 90 days authority. Supporting shipper: Perlite Developers, Incorporated, Highway 1, St. Anne, IL 60964.

MC 145787 (Sub-4–1TA), filed March 4, 1980. Applicant: HERBERT TRUCKING, INC., Rural Route No. 1, Macon, IL 62544. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract; Irregular; Equipment, materials and supplies used in the manufacture of products from corn and soybeans,* between the facilities of A. E. Staley Manufacturing Company at Monte Vista, CO, Decatur, Champaign, Chicago and Galesburg, IL, Des Moines, IA, Murtaugh, ID, Lafayette, and Frankfort, IN, Houlton, ME, Fostoria, OH, Morrisville, PA, on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contracts with A. E. Staley Manufacturing Company. An underlying ETA seeks 90 days authority. Supporting shipper: A. E. Staley Manufacturing Company, 2200 East Eldorado St., Decatur, IL 62525.

MC 150157 (Sub-4–2TA), filed March 4, 1980. Applicant: REGENCY MOTOR FREIGHT, INC., Suite 1208, 16333 Trenton Road, Southgate, MI 48195. Representative: Edwin Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Manufactured iron and steel articles,* between the Chicago, IL commercial zone on the one hand, and on the other, points in WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six supporting shippers.

MC 145787 (Sub-4–1TA), filed March 4, 1980. Applicant: HERBERT TRUCKING, INC., Rural Route NO. 1, Macon IL 62544. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract; Irregular; Equipment, materials and supplies used in the manufacture of products from corn and soybeans,* between the facilities of A. E. Staley Manufacturing Company at Monte Vista, CO, Decatur, Champaign, Chicago and Galesburg, IL, Des Moines, IA, Murtaugh, ID, Lafayette, and Frankfort, IN, Houlton, ME, Fostoria, OH, Morrisville, PA, on the one hand, and on the other, points in the U.S.(except AK and HI), under continuing contracts with A. E. Staley Manufacturing Company. An underlying ETA seeks 90 days authority. Supporting shipper: A. E. Staley Manufacturing Company, 2200 East Eldorado St., Decatur, IL 62525.

MC 144927 (Sub-4–1TA), filed March 3, 1980. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, Attorney at Law, 320 North Meridian Street, Indianapolis, IN 46204, (317) 639–4511. *Phonograph records, sound recorded tapes, and tape recorders,* from Ancora, Linden, and Westville, NJ, Indianapolis, IN, and Los Angeles, CA, to points and places in and east of the states of MN, IA, MO, AR, and LA. Supporting shippers: Polygram Distribution Inc., 810 7th Ave., New York, N.Y. 10019; Presswell Records Mfg. Co., Whitehorse Pike & Ehke Rd., Ancora, N.J. 08037; Soundmaker Mfg. Inc., 611 Delsie Dr., Woodbury, N.J. 08096.

The following protests were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 26825 (Sub-5–2TA), filed April 21, 1980. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE

68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Iron and steel articles,* from the facilities of Norfolk Iron & Metal Co. at Norfolk, NE to points in CA, CO, ID, MT, NV, UT and WY. Supporting shipper: Norfolk Iron & Metal co., Norfolk, NE 68701.

MC 29910 (Sub-5–14), filed April 21, 1980. Applicant: ARKANSAS—BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *Mining equipment, materials and supplies,* between the mine site and facilities of Colorado Minerals Development Corporation at or near Cuba, NM, on the one hand, and, on the other, Los Angeles, CA. Supporting shipper: Colorado Mineral Development Corporation; 6073 West 44th Avenue; Denver, CO 80033.

MC 30059 (Sub-5–1), filed April 21, 1980. Applicant: PRENTICE TRUCK LINE, INC., 120 South Broadway, Stigler, OK 74462. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. Common; Regular. *General commodities, usual exceptions,* (1) between Tulsa, OK and Rogers, AR, and their commercial zones, serving all intermediate points in Arkansas and points in their commercial zones; from Tulsa over OK Hwy 33 to the OK–AR state bvoundary line, then over AR Hwy to Springdale, AR, then over U.S. Hwy 62 to Rogers and return over the same route; and (2) between Muskogee, OK and Rogers, AR, and their commercial zones, serving all intermediate points and their commerical zones; from Muskogee over U.S. Hwy 62 to Rogers and return over the same route. Applicant intends to tack this authority with presently held authority and to interline at Springdale, Fayetteville and Ft. Smith, AR, and Muskogee and Tulsa, OK. There are 27 supporting shippers.

MC 35320 (Sub-5–14TA), filed April 21, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common; regular. *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Decatur, AL, and its commercial zone and Jackson, MS and its commercial zone serving no intermediate points; From Decatur, AL over U.S. 31 to its junction with U.S. 11, then over U.S. 11 to its junction with U.S. 80, then over U.S. 80 to Jackson, MS and return over the same route. Applicant intends to tack with its existing authority and any authority it may obtain in the future and interline with other carriers. Supporting shippers: There are thirteen (13) supporting shippers.

Note.—Common control may be involved.

MC 41849 (Sub-5–2TA), filed April 11, 1980. Applicant: KEIGHTLEY BROS., INC., 3675 Chouteau Ave., St. Louis, MO 63110. Representative: Patrick M. Browne (same as applicant). *Glass Cullet (broken glass for recycling) in dump vehicles,* from the plant facilities of General Electric Company at St. Louis, MO to the plant facilities of General Electric Company at Lexington, KY. Supporting shipper: General Electric Company, Noble Road Nela Park, Cleveland, OH 44112.

MC 75320 (Sub-5–1TA), filed April 22, 1980. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801.Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Common; Regular. *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 Newton, IL as an off-route point in connection with carrier's authorized regular-route operations. Supporting shippers: E. R. Moore Company, Div. of Beatrice Foods, P.O. Box 327, Newton, IL, 62448; Essex Group, Inc., P.O. Box 134, Newton, IL; Newton Broom Co., P.O. Box 48, Newton, IL 62448; JOFCO, Inc., 303 South Hutton Drive, Newton, IL, 62448.

Note.—Applicant intends to tack or join this authority with that held in MC—75320 and to interline at all major gateways in its present system under MC–75320 and to serve points in the commercial zone of Newton, IL.

MC 47583 (Sub-5–4TA), filed April 21, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *Chemicals (except in bulk, in tank or hopper vehicles),* from points in the United States (except AK, HI and OK), to points in OK. Restricted to traffic originating at the above named origin points and destined to points in Oklahoma. Supporting shipper: Metro Chemd, Inc., 1509 E. Freeport, Broken Arrow, Oklahoma 74012.

MC 75320 (Sub-5–2TA), filed April 22, 1980. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MI 39205. Common, Regular. *General Commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment)* serving the facilities of Broderick & Bascom Rope Company at or near Sedalia, MO as an off-route point in connection with carrier's authorized regular-route operations. Supporting shipper: Broderick & Bascom Rope Company; 10440 Trenton Avenue, St. Louis, MO 63132.

Note.—Applicant intends to tack this authority with existing authority; to serve points in commercial zones and to interline with other carriers.

MC 105566 (Sub-5–5TA), filed April 21, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Plastic and plastic articles and compounds,* from the facilities of Bamberger Polymers, Inc., in Edison, NJ; Chicago, IL; Detroit, MI; Houston, TX; Leominster, MA; and Philadelphia, PA on the one hand, and, on the other, all points in AZ, CA, CO, CT, ID, IL, IN, ME, MA, MI, MT, NV, NM, NJ, NY, OH, OR, PA, TX, UT, WA, WV, and WY. Supporting shipper: Bamberger Polymers, Inc., 7171 Clinton Drive, Houston, TX 77020.

MC 106398 (Sub-5–20TA), filed April 21, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, Director of Traffic, Freight Division, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Metal Products,* from: The facilities of Birmingham Ornamental Iron Company located at Birmingham, Alabama; To: All points in the United States (except AK and HI). Supporting shipper: Birmingham Ornamental Iron Company, P.O. Box 1357, Birmingham, Alabama 35201.

MC 106398 (Sub-5–21TA), filed April 21, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Irvin Tull, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Trailers designed to be drawn by passenger automobiles* from: Sunnyside, WA, to: ID, MT, OR, UT, WA, and WY. Supporting shipper: Tioga Industries of Washington, Inc., P.O. Box 148, Sunnyside, WA, Mr. John R. Weiss, Sales Mgr.

MC 109593 (Sub-5–1TA), filed April 21, 1980. Applicant: H.R. HILL (an individual), Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Contract;

Irregular. *Waste or scrap paper,* from points in AR, CO, IL, KS, LA, MO, NE, NM, TX, and WI to the plantsite of Gypsum Division of Georgia-Pacific Corp. at or near Pryor, OK, under a continuing contract or contracts with the Gypsum Division of Georgia-Pacific Corp. Supporting shipper: Gypsum Division of Georgia-Pacific Corp., 1062 Lancaster Ave., Rosemont, PA 19010.

MC 113362 (Sub-5–3TA), filed April 7, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Petroleum Products, and Synthetic Lubricating Oil, NOI, (Except in bulk) Automobile Parts and Accessories, and Such Commodities as are used or dealt in by retail fuel stations and automobile service centers,* between the facilities of Exxon Company, U.S.A. at or near Bayonne, and Bayway, NJ; Baton Rouge, LA; Baytown, TX; and Pittsburgh, PA, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001.

MC 114273 (Sub-5–8TA), filed April 3, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Iron and steel articles, building materials, and materials, equipment and supplies* used in the manufacture and distribution of same between points in the United States (except AK and HI). Restricted to traffic handled for the account of Newton Sheet Metal, Inc. at or near Newton, IA. Supporting shipper(s): NSM, Incorporated, P.O. Box 279, Newton, IA 50208.

MC 115331 (Sub-5–6TA), filed April 21, 1980. Applicant: TRUCK TRANSPORT, INCORPORATED; 11040 Manchester Road, St. Louis, MO 63122. Representative: J. R. Ferris (same as applicant). *(1) Lime and limestone, and (2) cement, in bags,* from Siluria and Allgood, AL to points in FL, GA, LA, MS, NC, SC and TN. Supporting shipper(s): Cheney Lime and Cement Company, Allgood, AL, 35013.

MC 119741 (Sub-5–5TA), filed April 21, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Fireplaces and fireplace accessories,* (1) from the facilities of MARCO Manufacturing, Inc. at or near Louisville, KY to points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, and (2) between the facilities of MARCO Manufacturing, Inc. at or near Louisville, KY, on the one hand, and, on the other, Lynwood, CA. Supporting shipper: MARCO Manufacturing, Inc., 8191 National Turnpike, Louisville, KY 40214.

MC 119741 (Sub-5–6TA), filed April 21, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson. (same as applicant). (1) *Animal feed, in bags,* from Louisville, KY to points in CT, IL, IN, MA, MI, NJ, NY, OH, PA and WV, (2) *dog food (except in bulk),* from (a) Minneapolis, MN to points in CT, IL, IN, MA, MI, NJ, NY, OH, PA, and WV, and (b) from Mankato, MN to point in IL, IN, IA, and WI, and (3) *wheat flour (except in bulk),* from Mankato, MN to points in IL, IN, MI, OH, PA, and WI, restricted to the transportation of shipments originating at the facilities of Hubbard Milling Company. Supporting shipper: Hubbard Milling Company, 400 North Front Street, Mankato, MN 56001.

MC 127306 (Sub-5–1TA), filed April 10, 1980. Applicant: M. W. McCURDY & CO., INC., 401 Nora's Lane, Houston, TX 77022. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Liquid fertilizer and liquid treatment for waste water and manure pits (except in bulk)* from the facilities of Medina Agriculture Products Co., Inc. at Hondo, TX to AZ, CA and WA. Supporting shipper: Medina Agriculture Products Co., Inc., P.O. Box 309, Hondo, TX 78861.

MC 129908 (Sub-5–14TA), filed April 22, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, Oklahoma 73107. Representative: John S. Odell, 8125 S.W. 15th Street, Oklahoma City, Oklahoma 73107. *Such commodities as are dealt in by retail, wholesale, chain grocery and/or food business houses (except comodities in bulk) and materials, equipment, ingredients, and supplies used in their production and distribuition (except commodities in bulk)* between points in the United States (except AK and HI), restricted to traffic originating at or destined to facilities owned or utilized by Castle & Cook, Inc. for 180 days. Supporting shipper: Castle & Cook, Inc., P.O. Box 3928, San Francisco, CA 94119.

MC 134286 (Sub-5–7TA), filed April 21, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). *Printed matter,* from (1) Troy, MO, to Los Angeles, CA; San Francisco, CA; Dublin, CA; Portland, OR; and Dallas, TX; (2) From New Berlin, WI; Madison, WI; Menasha, WI; and Milwaukee, WI to Troy, MO; (3) From Willard, OH, to Scranton, PA; Troy MO; and Conklin, NY; (4) From Crawfordsville, IN, to Troy, MO; Scranton, PA; and Conklin, NY; (5) From Rochester, NY, to Troy, MO; Scranton, PA; and Conklin, NY; (6) From West Haven, CT, and Bloomfield, CT, to Scranton, PA; Troy, MO; and Conklin, NY; and (7) From Detroit, MI, and Ann Arbor, MI, to Troy, MO, for 180 days. Restricted to traffic originating at or destined to the facilities of Harper & Row Publishers, Inc. Supporting shipper: Harper & Row Publishers, Inc., Keystone Industrial Park, Scranton, PA 18512.

MC 135283 (Sub-5–2TA), filed April 22, 1980. Applicant: GRAND ISLAND MOVING & STORAGE CO, INC., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holderman, Peterson, Bowman & Johanns, P.O. Box 81849, Lincoln, NE 68501. *Frozen meat and barbecue sauce (except in bulk),* from the facilities used by 7th Rib Products, Inc., at or near Minneapolis-St. Paul, MN, to points in the U.S. in and east of ND, SD, NE, CO, OK and TX, for 180 days. Supporting shipper: 7th Rib Products, Inc., Stephen R. Bauter, Secretary-Treasurer, Highway 63 South, Box 71, Racine, WI 55967.

MC 135953 (Sub-5–3TA), filed April 21, 1980. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, of Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *(1) Such commodities as are dealt in by drug stores, grocery and food business houses, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities listed in (1) above,* between all points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities of Warner-Lambert Company, it divisions and subsidiaries. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, NJ 07950.

MC 139495 (Sub-5–6TA), filed April 21, 1980. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th Street, Liberal, KS 67901. Representative: Herbert Alan Dubin, Baskin and Sears, 2nd Floor, 818 Connecticut Avenue NW., Washington, DC 20006. *Frozen prepared foods noibn, frozen bakery goods noibn* from the facilities of Stouffer Foods Corporation, subsidiary of the Stouffer Corporation at or near Solon, OH to points in CT, MA, KY, TN, MS, AL, GA, SC, NC, VA, WV, PA, NY, NJ, MD, DE, and DC. Supporting shipper: Stouffer Foods Corporation,

Subisidiary of the Stouffer Corporation, 5750 Harper Road, Solon, OH 44139.

MC 140829 (Sub-5–16TA), filed April 14, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. (1) *Plastic film, plastic sheeting,* (2) *vinyl wall covering and accessories, and* (3) *materials, equipment and supplies used in the manufacture and distribution of commodities in (1) and (2) above (except in bulk in tank vehic...*, between points in IN, on the one hand, and, on the other, points in IL, MD, MA, NJ, NY and PA, restricted to the transportation of traffic originating at the facilities of Borden, Inc. at the named origin and destined to the indicated destinations. Supporting shipper(s): Borden, Inc., 180 East Broad Street, Columbus, Ohio 43215.

MC 141443 (Sub-5–5TA), filed April 21, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Metal containers, container ends, and materials and supplies used in manufacture of containers,* between the facilities of National Can Corporation at or near Oklahoma City, OK, on the one hand, and, on the other, points in CO. Supporting shipper: National Can Corporation, 8101 West Higgins Road, Chicago, IL 60631.

MC 144244 (Sub-5–1TA), filed April 14, 1980. Applicant: CRESTON TRANSPORTATION, INCORPORATED, East Highway 34, Creston, Iowa 50801. Representative: David L. Charles, 2600 Ruan Center, Des Moines, Iowa 50309. *Fertilizer dry, fertilizer liquid and anhydrous ammonia* from points in NE and MO to, from and between points in IA. Supporting shipper: W. R. Grace & Co., P.O. Box 1701, Peoria, IL 61656.

MC 144667 (Sub-5–1TA), filed April 24, 1980. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Scrap metal, empty reels, load coils and insulated wire,* from the facilities of Midwec, Inc. at or near Sidney, NE, to Duarte, Los Angeles and Santa Fe Springs, CA; Dallas, TX; Sparks, NV; Mansfield, OH; Minneapolis, MN; Chicago and Lawrenceville, IL; Fort Wayne, IN; South Hadley Falls, MA; and points in their respective commercial zones. Supporting shipper: Midwec, Inc., One Greenwood Road, Sidney, NE 69162.

MC 146193 (Sub-5–1TA), filed April 21, 1980. Applicant: CAMPBELL GRAIN CORPORATION, Box 94, Humeston, IA 50123. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Fertilizer* from Trenton, MO, to points in IA. Supporting shipper: W. R. Grace & Co., Box 1701, Peoria, IL 61656.

MC 148833 (Sub-5–1TA), filed April 21, 1980. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50366. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Frozen foodstuffs,* from the facilities of Kitchens of Sara Lee at Deerfield and Chicago, IL and New Hampton, IA to points in AZ, CA and NV. Supporting shipper(s): Kitchen of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015.

MC 149026 (Sub-5–3TA), filed April 21, 1980. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (address same as above). *Insulating materials and supplies used in the manufacture of appliances,* from Kansas City, MO and Newark, OH to Fort Smith, AR. Supporting shipper: Whirlpool Corporation, 2000 U.S. 33, North; Benton Harbor, MI 49022.

MC 150592 (Sub-5–2TA), filed April 21, 1980. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Steel,* from Chicago, IL and points in its commercial zone to York, NE and points in its commercial zone. Restriction: Restricted to traffic originating at and destined to the named points. Supporting shipper: Tracy Metal Co., Herbert Tracy, Partner, 506 W. Nobes, York, NE 68467.

MC 150610 (Sub-5–1TA), filed April 21, 1980. Applicant: ELDON AND RALPH BRIDGEWATER, d.b.a. Bridgewater Bros., Blairstown, IA 52209. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Silage inoculate, in bags,* between Durant and Marengo, IA, on the one hand, and, on the other, points in CO, IL, IN, KS, MO, and NE. Supporting shipper: Pioneer Hi-Bred International, Inc., Central Division, 5700 Merle Hay Road, Johnston, IA 50131.

MC 150627 (Sub-5–1TA), filed April 21, 1980. Applicant: JAMES FINCH, d.b.a. FINCH HOT SHOT SERVICE, 7601 S. Central Expwy., Dallas, Texas 75216. Representative: William D. Lynch, Attorney at Law, P.O. Box 912, Austin, Texas 78767. Contract irregular: *Lighting Fixtures and Accessories,* from Dallas County, TX to points in LA, NM, OK, & AR; and from Oklahoma and Canadian Counties, OK to points in TX. Supporting shipper(s): Metalux Corporation, 9100 Chancellor Row, Dallas, TX 75247.

MC 1263 (Sub-5–1TA), filed April 24, 1980. Applicant: McCARTY TRUCK LINE, INC., 17th & Harris Avenue, Trenton, Mo. 64683. Representative: James M. McCarty, 17th & Harris Avenue, Trenton, Mo. 64683. *General commodities (except those of unusual value. Classes A and B explosives, commodities in bulk, those requiring special equipment and those injurious to other lading.)* from Kansas City, KS to Allerton, IA. Supporting shipper: Allerton Manfacturing Company, P.O. Box 220, Allerton, Iowa, 50008.

MC 4405 (Sub-5–2TA), filed April 28, 1980. Applicant: DEALERS TRANSIT, INC., a corporation, P.O. Box 236, Tulsa, Oklahoma 74101. Representative: Leonard L. Bennett, P.O. Box 236, Tulsa, Oklahoma 74101. *Trailers and trailer chassis* other than those designed to be drawn by passenger automobiles, in initial movements in truckaway service from Tishomingo, MS, to points in the United States except AK and HI. Supporting shipper(s): The Heil Company, Highway 25 North, Box 49, Tishomingo, MS 38873.

MC 22509 (Sub-5–7TA), filed April 23, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, P.O. Box 939, St. Joseph, Missouri 64502. Representative: E. Wayne Farmer, Attorney, 27th Floor, City Center Square, P.O. Box 26010, Kansas City, Missouri 64196. *Paper containers, paper articles, and materials and supplies used in the manufacture or distribution thereof,* between the facilities of Owens-Illinois in Mt. Olive, IL on the one hand, and on the other points and places in the state of IA. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666.

MC 29910 (Sub-5–15TA), filed April 29, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *Common Regular: General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving Dexter and Bernie, Missouri, as off route points in connection with carriers authorized regular route operations between St. Louis, Missouri, and Memphis, Tennessee. Applicant intends to tack and interline with other carriers. Supporting shippers: There are approximately eight certificates of support in the above application.

MC 35320 (Sub-5–16TA), filed April 28, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common; regular. *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment),* between Minneapolis/St. Paul, MN and Seattle, WA, and between Minneapolis/St. Paul, MN and Portland, OR and their commercial zones, serving no intermediate points. Routes (a) from Minneapolis/St. Paul, MN over Interstate Hwy 94 to its junction with Interstate Hwy 90, then over Interstate Hwy 90 to Seattle and return over the same route. Route (b) from Minneapolis/St. Paul, MN over Interstate Hwy 94 to its junction with Interstate Hwy 90, then over Interstate Hwy 90 to its junction with U.S. Hwy 395 at or near Ritzville, WA, then over U.S. Hwy 395 to its junction with WA Hwy 14 at or near Pasco, WA, then over WA Hwy 14 to its junction with U.S. Hwy 730 at or near the Washington/Oregon State Line, then over U.S. Hwy 730 to its junction with Interstate Hwy 80N at or near Boardman, OR, then over Interstate Hwy 80N to Portland, OR, and return over the same route. Supporting shipper: None. Alternate route for the elimination of needless miles as well as for fuel savings.

MC 35320 (Sub-5–17TA), filed April 28, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.)* Serving the facilities of the Brand-Rex Co., at or near Siloam Springs, AR on the one hand, and, on the other, points in the U.S. (except AK and HI). Applicant intends to tack with its existing authority and any authority it may obtain in the future and interline with other carriers. Supporting shippers: The Brand-Rex Co., Siloam Springs, AR.

MC 35320 (Sub-5–18TA), filed April 28, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common; regular. *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.)* Serving the facilities of the Franklin Electric Co. at or near Siloam, AR as an off-route point in connection with carrier's otherwise authorized regular route operation. Applicant intends to tack with its existing authority and any authority it may obtain in the future and interline with other carriers. Supporting shipper: Franklin Electric Co., P.O. Box 490, Siloam Springs, AR.

MC 35320 (Sub-5–19TA), filed April 28, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common; regular. *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.)* Serving the facilities of the Delco Mfg. Co. at or near Siloam, AR as an off-route point in connection with carrier's otherwise authorized regular route operation. Supporting shipper: Delco Mfg. Co., P.O. Box 69, Siloam Springs, AR.

MC 47583 (Sub-5–5TA), filed April 28, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *Non-alcoholic beverages (except in bulk),* from St. Louis, MO to points in IA, KS and NE. Restricted to traffic originating at St. Louis, MO and destined to points in IA, KS and NE. Supporting shipper: Great Plains King Cola Co., 10520 Barkley, Suite 39, Overland Park, KS 66212.

MC 52460 (Sub-5–5TA), filed April 28, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, OK 74107. Representative: Jack R. Anderson, Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Meats, meat products and meat byproducts, and articles distributed by meat packing houses, as described in Sections A and C of Appendix 1 to the Report in Description in Motor Carrier Certificate, 61 M.C.C. 209 and 766,* from Arkansas City, KS to Roswell, NM. Supporting shipper: Glover, Inc., P.O. Box 40, Roswell, NM 88201.

MC 52460 (Sub-5–6TA), filed April 28, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, OK 74107. Representative: Jack R. Anderson, Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Foodstuffs, in containers,* from the facilities of Yoo-Hoo of Florida Corporation at or near Hialeah, to points in AL, AR, GA, KS, LA, MS, MO, OK, TX. Supporting shipper: Yoo-Hoo of Florida Corp., 590 West 83rd Street, Hialeah, FL 33014.

MC 82063 (Sub-5–1TA), filed April 28, 1980. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Representative: W. E. Klipsch, President, Klipsch Hauling Co., 10795 Watson Road, Sunset Hills, MO 63127. *Liquid styrene,* in bulk, in tank vehicles, from Baton Rouge and St. James, LA, Bayport, Channelview and Houston, TX, to the facilities of Vertac Chemical Corporation, West Memphis, AR. Supporting shipper: Vertac Chemical Corp., West Memphis, AR.

MC 100666 (Sub-5–4TA), filed April 29, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Roofing* from Ardmore, OK to points in GA, IL and IN. Supporting shipper: Consolidated Fiberglass Corp., 3801 Standard Street, Bakersfield, CT 93308.

MC 100666 (Sub-5–3TA), filed April 28, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Such commodities as are manufactured, distributed, dealt in, or used by manufacturers, distributors or dealers of agricultural, construction, and industrial machinery and equipment, and parts, accessories and attachments for such commodities* between Claremore, OK, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Parham Industries, Inc., 903 West Blue Starr, Claremore, OK 74017.

MC 108053 (Sub-5–4TA), filed April 28, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. (1) *Dental, Hospital, Hygienic, Medical, Dermatological and Surgical Supplies and related products including those materials used in the manufacture thereof,* and (2) *Drugs, Medicines, Toilet Preparations, Shampoo, Disinfectants, Sausage Casings, Pressure Sensitive Tapes, Veterinarian Supplies, Tissue Products, Woven and Non-woven fabrics, Pulp, Diapers, Advertising Matter, and those Materials used in the manufacture thereof,* from NJ to Menlo Park, CA. Supporting shipper: Johnson & Johnson Products, Inc., 501 George Street, New Brunswick, NY 08903.

MC 111231 (Sub-5–7TA), filed April 28, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A,

Prairie Grove, AR 72753. *Aluminum and aluminum articles (except in bulk),* from Pope County, AR, to points in CA, IL, MA, OH, AZ, TX, NM, KS, MI, MN, MO, KY, WA, NY, RI, TN, WI, IN, PA, and NV. Supporting shipper: Tabor Metals, Inc., P.O. Box 1418, Russellville, AR.

MC 112713 (Sub-5–4TA), filed April 29, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: R. E. DeLand, P.O. Box 7270, Overland Park, KS 66207. Common: Regular. *General Commodities (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment,* 1. Between Brattleboro, VT and Norwich, VT serving all intermediate points and their commercial zones and the off-route points of Grafton, Saxons River and Springfield, VT, and their commercial zones. From Brattleboro, VT over U.S. Hwy 5 to Norwich, VT and return over the same route. 2. Between Wilder, VT and Burlington, VT, serving all intermediate points and their commercial zones. From Wilder, VT over VT Hwy 14 to Barre, VT, then over U.S. Hwy 302 to junction of U.S. Hwy 2, then over U.S. Hwy 2 to Burlington, VT and return over the same route. 3. Between Montpelier, VT and junction of VT Hwy 107 and 14 serving all intermediate points and their commercial zones. From Montpelier, VT over VT Hwy 12 to junction of VT Hwy 107, then over 107 to junction of VT Hwy 14, and return over the same route. 4. Between St. Johnsbury VT and Montpelier, VT, serving all intermediate points and their commercial zones. From St. Johnsbury, VT over U.S. Hwy 2 to Montpelier, VT and return over the same route. 5. Between Brattleboro, VT and Bennington, VT, serving all intermediate points, and their commercial zones. From Brattleboro, VT over VT Hwy 9 to Bennington, VT, and return over the same route. 6. Between Keene, NH and Brattleboro, VT, serving all intermediate points and their commercial zones. From Keene, NH over NH Hwy 9 to NH and VT State Line, then cross the Connecticut River to U.S. Hwy 5, then over U.S. Hwy 5 to Brattleboro, VT and return over the same route. 7. Between Norwich, VT and St. Johnsbury, VT serving all intermediate points and their commercial zones, and the off-route points of Lyndonville, Lyndon, Lyndon Center, VT and their commercial zones. From Norwich, VT over U.S. Hwy 5 to St. Johnsbury, VT and return over the same route. 8. Between Burlington, VT and Rouses Point, NY, serving all intermediate points and their commercial zones. From Burlington, VT over U.S. Hwy 7 to junction of VT Hwy 78, then over VT Hwy 78 to junction of U.S. Hwy 2, then over U.S. Hwy 2 to Rouses Point, NY, and return over the same route. 9. Between junction of NY Hwy 9N and NY Hwy 8 and Burlington, VT. From junction of NY Hwy 9N and NY Hwy 8, over NY Hwy 8 to the VT State Line, then over VT Hwy 17 to VT Hwy 22A, then over VT Hwy 22a to juction of U.S. Hwy 7, then over U.S. Hwy 7 to Burlington, VT and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. 10. Between Pittsfield, MA and Burlington, VT. From Pittsfield, MA over U.S. Hwy 7 to Burlington, VT and return over the same route, as an alternate route for operating convenience only, serving no intermediate points but serving Bennington, VT as a point of joinder only. 11. Between Troy, NY and Burlington, VT. From Troy, NY over NY Hwy 7 to the NY–VT State Line, then over VT Hwy 9 to junction of U.S. Hwy 7, then over U.S. Hwy 7 to Burlington, VT and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. 12. Between Brattleboro, VT and Bernardston, MA. From Brattleboro, VT over U.S. Hwy 5 to Bernardston, MA and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. 13. Between Glens Falls, NY and Burlington, VT. From Glens Falls, NY over NY Hwy 254 to junction of U.S. Hwy 4 then over U.S. Hwy 4 to junction of VT Hwy 22–A, then over VT Hwy 22–A to junction of U.S. Hwy 7, then over U.S. Hwy 7 to Burlington, VT and return over the same route as an alternate route for operating convenience only, serving no intermediate points. 14. Between Glens Falls, NY and Burlington, VT. From Glens Falls, NY over NY Hwy 254 to junction of U.S. Hwy 4 then over U.S. Hwy 4 to junction of VT Hwy 30 then over VT Hwy 30 to junction of U.S. Hwy 7, then over U.S. Hwy 7 to Burlington, VT and return over the same route as an alternate route for operating convenience only, serving no intermediate points. Supporting shippers: 145 supporting shippers.

MC 112962 (Sub-5–2TA), filed April 29, 1980. Applicant: CRUPPER TRANSPORT CO., INC., 25 South Third, Kansas City, KS 66118. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, Missouri 64068, (816) 781–6000. *Metal forming equipment and rolled, formed steel articles and materials and supplies used in the manufacture of rolled, formed steel articles,* Between Moundridge, KS and points in the United States except AK and HI. Supporting shipper: The Bradbury Company Inc., P.O. Box 667, Moundridge, Kansas 67107.

MC 114045 (Sub-5–3TA), filed April 28, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Corn Products,* in bulk, from Keokuk, IA to points in the U.S.A. (except AK and HI). Supporting shipper: Hubinger Co., 601 Main St., P.O. 647, Keokuk, IA.

MC 114211 (Sub-5–10TA), filed April 28, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., P.O. Box 420, Waterloo, IA 50704. *Dumpsters,* from Detroit, MI, and Canton and Dayton, OH, to Des Moines, IA. Supporting shipper: SCA Waste Services, 1626 Stewart Street, Des Moines, IA 50316.

MC 116710 (Sub-5–1TA), filed April 28, 1980. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., 2001 East Texas Street (P.O. Box 6176), Bossier City, LA 71010. Representative: Joe T. Lanham, Lanham, Hatchell, Sedberry & Hoffman, P.O. Box 2165, Austin, TX 78701. Contract, Irregular. *Liquid amorphous polypropylene, in bulk,* from the facilities of Hercules, Incorporated, in or near Crowley, LA, to points in AR, DE, GA, IL, IN, KS, KY, MA, MN, MO, NB, NY, NC, PA, OH, SC, TX, VA and WI. Supporting shipper: Hercules, Incorporated, 3169 Holcomb Bridge Road, Suite 700, Norcross, Georgia, 30071.

MC 117119 (Sub-5–8TA), filed April 28, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Titanium dioxide in packages* from the Du Pont plantsite at DeLisle, MS to points in the states of MT, NE, UT, OR, WA and ID. Supporting shipper: E. I. Du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898.

MC 117765 (Sub-5–5TA), filed April 28, 1980. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Non-frozen Foodstuffs, in containers,* (1) From Cokato and Fairbault, MN to AR, KS, LA, MO, OK and TX and (2) From Durand and Mondovi, WI to AR, KS, LA, MO, OK and TX. Supporting shipper:

Durand Canning Co, P.O. Box 188, Durand, WI 54736.

MC 119399 (Sub-5–9TA), filed April 28, 1980. Applicant: CONTRACT FREIGHTERS, INC. 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Glassware* from Lincoln, IL to Jefferson City, Springfield, St. Joseph, and Weston, MO. Supporting shipper: Pierce Glass Company, 1200 North Logan, Lincoln, IL 62656.

MC 119399 (Sub-5–10TA), filed April 28, 1980. Applicant: CONTRACT FREIGHTERS, INC. 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Lead Silicate, Litharge, Sublimed Lead (except in bulk)* from Joplin, MO to points in AL, AR, CO, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, NE, NC, ND, OH, OK, PA, SC, SD, TN, TX, WI, and WY. Supporting shipper: Eagle-Picher Industries, Inc., P.O. Box 550, Joplin, MO 64801.

MC 119789 (Sub-5–17TA), filed April 29, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Plastic Fence Posts* from Grand Prairie, TX to points in the US (except AK and HI). Supporting shipper: Sunbelt Plastics Div., Intcap Corporation, 2511 Dalworth St., Grand Prairie, TX 75050.

MC 119990 (Sub 5–1TA), filed April 28, 1980. Applicant: MERCHANTS DELIVERY CO., 1212 E. 19th, Kansas City, Missouri 64108. Representative: David W. Howard, 601 W. 47th Kansas City, MO 64112. *Pharmaceuticals, convalescent aids, health and beauty related products and sundries* from Wichita, KS and its commercial zone to Kansas City, MO and its commercial zone. Supporting shipper: Fox Vliet Drug Co., 1919 Northern, Wichita, KS 67216.

MC 121631 (Sub-5–1TA), filed April 18, 1980. Applicant: MARSHFIELD DRAYAGE COMPANY, P.O. Box 50, Marshfield, MO. 65706. Representative: Richard Stockton (same as applicant). *General commodities except explosives, articles of unusual value, household goods, commodities in bulk, commodities requiring special equipment and articles injurious and contaminating to other freight,* from Springfield and its commercial zone over Interstate 44 to Joplin and its commercial zone and return over the same route. From Joplin and its commercial zone over U.S. Highway 71 to Neosho and its commercial zone and return over the same route. From Joplin and its commercial zone over U.S. Highway 71 to Webb City and its commercial zone thence to Carthage and its commercial zone and return over the same route. From Carthage and its commercial zone thence to Springfield and its commercial zone over State Route 96 and return over the same route. Supporting shipper: There are 9 supporting shippers.

MC 124236 (Sub-5–5TA), filed April 29, 1980. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, Texas 75201. Representative: Rodney D. Cokendolpher (same as applicant). *Plastic Pellets,* from Schawnee, Oklahoma to Jacksonville, Texas. Supporting shipper: R & J Plastic Supply Co., Post Office Box 25294 Oklahoma City, Oklahoma 73125.

MC 124813 (Sub-5–8TA), filed April 28, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. (1) *Grain bins* from Columbus, NE, to Eagle Grove, IA, and (2) *Steel products* from Broadview, IL, to points in Wright, Hancock, Cerro Gordo, Franklin, Hardin, Hamilton, Webster, Humbolt and Kossuth Counties, IA. Supporting shipper: Equimco, Inc., Box 23, Eagle Grove, IA 50533.

MC 126118 (Sub-5–15TA), filed April 28, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Plastic and fiberglass articles and accessories and supplies used in the sale and distribution thereof,* between St. Bonifacius, MN and its commercial zone on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Norwesco, Inc., R. L. Schindler, Manufacturer's Representative, 4365 Steiner St., St. Bonifacius, MN 55375.

MC 126473 (Sub-5–2TA), filed April 28, 1980. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, P.O. Box 279, 302 E. Pennsylvania, Ottumwa, IA 52501. *Diesel Fuel and Gasoline,* (1) From Ft. Madison, IA to Bushnell, Canton and Hamilton, IL and (2) From Palmyra, MO to Ft. Madison and Keokuk, IA. Supporting shipper: Super Oil Company, 1209 Main Street, Keokuk, IA 52622.

MC 126822 (Sub-5–11TA), filed April 28, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt (same as applicant). *(a) Foodstuffs, (b) materials, equipment and supplies used or useful in the manufacture, sale and distribution of the commodities in (a) above* between points in the United States (except AK and HI), restricted to the transportation of shipments from, to, or between the facilities of Topco Associates, Inc. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, Illinois 60076.

MC 126822 (Sub-5–12TA), filed April 28, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Refractory products, and commodities used in the installation of refractory products* between points in the United States (except AK and HI), restricted to the transportation of shipments from, to, or between the facilities of the Plibrico Company. Supporting shipper: Plibrico Company, 1800 Kingsbury Street, Chicago, IL 60614.

MC 129908 (Sub-5–15TA), filed April 28, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, OK 73107. Representative: John S. Odell, 8125 S.W. 15th Street, Oklahoma City, OK 73107. *Foodstuffs (except in bulk) and materials, equipment and supplies used in the manufacture thereof* between the facilities of Moody Dunbar, Inc., Limestone, TN and points in the continental United States. Supporting shipper: Moody Dunbar, Inc., P.O. Box 68, Limestone, TN 37681.

MC 133119 (Sub-5–1TA), filed April 28, 1980. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Arkron, IA 51001. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Foodstuffs,* from the facilities of Bruce Foods Corporation at or near Cade and Lozes, LA, to points in IA, MO, KS, and NE. Supporting shipper: Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, LA 70560.

MC 135070 (Sub-5–11TA), filed April 28, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Alcoholic beverages and wine (except in bulk),* from points in IL, IN, MI, MO, OH, TN, KY, NY, PA, NJ, and MD, to points in TX, AR, and LA. Supporting shipper: Glazer's Wholesale Drug Co., Inc., Sim Baxter, Traffic Manager, 508 Park Avenue, Dallas, TX.

MC 135070 (Sub-5–12TA), filed April 28, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. (1) *Cullet and glass beads,* from Cleveland, OH, to

Atlanta, GA, and points in its Commercial Zone; and (2) *Traffic control products and pavement marking compounds, and equipment, materials, and supplies used in the manufacture thereof (except in bulk),* from Atlanta, GA, and points in its Commercial Zone, to points in OH. Supporting shipper: Pave Mark Corporation, Marshall Gordon, Comptroller, 3141 Nifda Boulevard, Smyra, GA.

MC 144283 (Sub-5–1TA), filed April 28, 1980. Applicant: EUGENE (GENE) McPHERSON, Route 1, Box 17, Cairo, MO 65239. Representative: Roselee A. Maier, 202 Guitar Building, Columbia, MO 65201. *Dry fertilizer,* from Brunswick River Terminal at or near Brunswick, MO to AR, IL, IA, KS, and NE. Supporting shipper: Brunswick River Terminal, Inc., Post Office Box 235, Brunswick, MO 65236.

MC 144622 (Sub-5–20TA), filed April 28, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Boxes of television sets; recorders (tape or wire); and accessories for television sets and recorders* from the facilities of the General Electric Company at Little Rock, AR to all points in the State of NM. Supporting shipper: General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206.

MC 145150 (Sub-5–4TA), filed April 28, 1980. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Denatured alcohol,* from the facilities of Midwest Solvents Co., Inc., at Atchison, KS to points in NE, IA, MO, OK, CO, NM, TX and AR. Supporting shipper: Midwest Solvents Co., Inc., 1300 Main St., Atchison, KS 66002.

MC 145441 (Sub-5–16TA), filed April 28, 1980. Applicant: A. C. B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. *Electronic equipment, and parts and accessories used in the manufacture thereof,* between Sunnyvale, CA; Wheeling, IL; Edison, NJ; and El Paso, TX; on the one hand, and, on the other, points in the United States. Supporting shipper: Atari, Inc., 390 Caribbean Drive, Sunnyvale, CA 94066.

MC 146193 (Sub-5–2TA), filed April 28, 1980. Applicant: CAMPBELL GRAIN CORPORATION, Box 94, Humeston, IA 50123. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Fertilizer* from Trenton, MO, to points in IA. Supporting shipper: W. R. Grace & Co., Box 1701, Peoria, IL 61656.

MC 146442 (Sub-5–1TA), filed April 29, 1980. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., 5th and Pine Streets, Post Office Box 313, Clinton, Missouri 64735. Representative: Warren H. Sapp, Post Office Box 16047, Kansas City, Missouri 64112. Contract; Irregular. *Citrus products, dairy products and iced tea (except commodities in bulk),* from the facilities of H. P. Hood, Inc., at or near Dunedin, FL to points in CT, IL, IN, IA, KS, MA, MN, MO, NE, NJ, NY, ND, OH, PA, RI, SD, and WI. Supporting shipper: H. P. Hood, Inc., P.O. Box 979, Dunedin, Florida 33528.

MC 147388 (Sub-5–2TA), filed April 28, 1980. Applicant: EARLY BIRD FREIGHT LINES, INC., Rural Route 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 S. 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. *Plastic articles (except in bulk),* from Houston, Borger and Longview, Texas and points in their respective commercial zones to the facilities of Triad Corporation-Plastic Division, at or near Alda, NE. Supporting shipper: Triad Corporation-Plastic Division, P.O. Box 188, Alda, NE 68810.

MC 150311 (Sub-5–10TA), filed April 28, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Chain, iron or metal, and items related to the manufacture and distribution of chain,* from the facilities of American Chain and Cable at York, PA to points in TX. Supporting shipper: American Chain and Cable, 454 E. Princess Street, York, PA 17403.

MC 150311 (Sub-5–11TA), filed April 28, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Malt beverages,* from Belleville, IL and Evansville, IN to points in TX. Supporting Shippers: Allison Dist. Co., P.O. Box 1604, Bay City, TX 77414, Pearl Beer, P.O. Box 217, Palestine, TX 75801, and Alpha Dist. Co., 411 E. 4th Street, Austin, TX 78701.

MC 150540 (Sub-5–1TA), filed April 29, 1980. Applicant: COWAN BOAT TRANSFER, INC., 2001 Magnolia St., Pasadena, Texas 77505. Representative: Jerry Prestridge, P.O. Box 1148, Austin, Texas 78767. *Boats and boating equipment (except outboard motors)* between points in TX on the one hand, and, on the other, points in CA. Supporting shipper(s): Jay Bettis & Company, 2509 Nasa Road One, Seabrook, TX 77586; Cruise Arrow Marine Corporation, P.O. Box 869, Seabrook, TX 77586.

MC 150565 (Sub-5–4TA), filed April 28, 1980. Applicant: SUNBELT EXPRESS, INC., 909 S. Powell St., Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Furniture parts and materials, equipment and supplies utilized in the manufacture and installation thereof,* between Carthage and Aurora, MO, on the one hand, and, on the other, all points and places in OK, IL, LA, and TX. Supporting shipper: Leggett & Pratt, Incorporated, P.O. Box 757, Carthage, MO 64836.

MC 150583 (Sub-5–3TA), filed April 25, 1980. Applicant: ROSENBERGER ENTERPRISES, INC., P.O. Box 577, Carlisle, IA 50047. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Chemicals, pumps, machinery and machine parts, in containers,* from the facilities of Pacific Export Packers, Inc. at Los Angeles, CA to points in the United States (except AK and HI). Supporting shipper(s): Pacific Export Packers, Inc. 3200 Bandini, Los Angeles, CA 90023.

MC 150625 (Sub-5–1TA), filed April 28, 1980. Applicant: Harold Ives Trucking Co., P.O. Box 885, Highway 79 East, Stuttgart, AR 72160. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 77201. *Agricultural chemicals (in containers),* between the facilities of the Southern Farmers Association located in the state of AR on the one hand, and, on the other, points and places in the U.S. Restriction: The above movements are restricted to shipments originating at or destined to the facilities of the Southern Farmers Association located in AR. Supporting shipper: Southern Farmers Association, 824 N. Palm Street, North Little Rock, AR.

MC 150684 (Sub-5–1TA), April 28, 1980. Applicant: P & E ASSOCIATES, INC., 2144 Market, St. Louis, MO 63103. Representative: Richard Pauley, (same as applicant). *Paper and paper products* from St. Louis, MO and commercial zone to MO, IL, IN, IA and KY. Supporting shippers: Tension Envelope Co, 5001 Southwest Ave., St. Louis, MO 63110; Beacon Paper Co., 1000 Clark, St. Louis, MO. 63102.

Republication

MC 106398 (Sub-3), filed April 24, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Iron and steel articles* from the facilities

of Bull Moose Tube Company at Gerald, Missouri to points in OK, TX, LA, MS, AL, KY, GA, VA, IL, MI, KS and OH. Supporting shipper: Bull Moose Tube Company, P.O. Box 214, Gerald, MO.

MC 35320 (Sub-5–20TA), filed May 1, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX. 79408. Representative: Kenneth G. Thomas (same address as applicant). Common; regular. *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Memphis, TN. and its commercial zone and Decatur, AL and its commercial zone, from Memphis, TN over U.S. Hwy 72 to its junction with Alternate U.S. Hwy. 72, then over Alternate Hwy. 72 to Decatur, AL and return over the same route serving no intermediate points. Alternate route for the elimination of needless miles as well as for fuel savings. Supporting shipper: None.

Note.—Common control may be involved. Applicant intends to tack to its existing authority and any authority it may obtain in the future and to interline.

MC 88368 (Sub-5–2TA), filed April 30, 1980. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart (same as applicant). *(1) Commercial, Household and Institutional Appliances and (2) Material, Equipment and Supplies used in the manufacture and distribution of the commodities in (1) above,* between points in the U.S. (except AK and HI), restricted to shipments originating at or destined to the facilities of Speed Queen Company. Supporting shipper: Speed Queen Company, Shepard St., Ripon, WI 54971.

MC 92983 (Sub-5–2TA), filed April 30, 1980. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2387, Kansas City, Kansas 66110. Representative: William J. O'Neill, Traffic Manager, P.O. Box 1408, Kansas City, MO 64141. *Chemicals, in bulk,* from La Habra, CA to points and places in TX. Supporting shipper: Delst Chemical & Research, P.O. Box 2392, Fullerton, CA 90631.

MC 105566 (Sub-5–7TA), filed April 30, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Printed matter,* from the facilities of Arcata Book Group located in West Hanover and Plymouth, MA and Fairfield, PA to all points in AZ, CA, CO, ID, NM, MT, NV, OR, TX, UT, WA, and WY. Supporting shipper: Arcata Book Group, Post Office Box 711, Kingsport, TN 37662.

MC 108207 (Sub-5–4TA), filed April 30, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Frozen foods,* from Rocky Ford, CO to points in CA, IA, IN, IL, KS, MN, MO, NE, OH, TN, and WI. Supporting shipper: Frozen Food, Inc., Box 31, Rocky Ford, CO 80167.

MC 108207 (Sub-R5–5TA), filed April 30, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Bakery goods,* from Little Rock, AR to Louisville, KY and points in its commercial zone. Supporting shipper: Koehler Bakery Company, 5902 Warden Road, North Little Rock, AR 72116.

MC 108207 (Sub-5–6TA), filed April 30, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Meats, meat products, meat byproducts, and foodstuffs,* from Denver, Colorado Springs, and Fort Collins, CO, to points in AZ, CA, NM, and UT. Supporting shippers: There are 18 supporting shippers.

MC 108207 (Sub-5–7TA), filed April 30, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Meats, meat products, meat byproducts, and foodstuffs,* from Denver and Colorado Springs, CO, to points in AR, IL, IN, IA, KS, KY, MI, MS, MO, MN, NE, OH, TN, and WI. Supporting shippers: There are 15 supporting shippers.

MC 108207 (Sub-5–8TA), filed April 30, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Meats, meat products, meat byproducts, and foodstuffs,* from Denver and Colorado Springs, and Fort Collins, CO, to points in LA, OK, and TX. Supporting shipper: There are 16 supporting shippers.

MC 108207 (Sub-5–9TA), filed May 1, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Such commodities as are dealt in by suppliers of ship's stores (except in bulk in tank vehicles),* from New Orleans, LA to Kenosha and Milwaukee, WI; and Detroit, MI. Supporting shipper: Kansas Packing Co. of New Orleans, Inc., 148 Harbor Circle, New Orleans, LA 70186.

MC 109818 (Sub-5–2TA), filed May 1, 1980. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Automotive equipment, accessories, and parts;* (2) *storage tanks;* (3) *iron and steel articles;* (4) *trailer and truck bodies;* (5) *aluminum and aluminum articles; and* (6) *equipment, materials, and supplies used in the manufacture, distribution, or sale of the commodities in* (1) *through* (5) *(except commodities in bulk),* between Davenport, IA, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: Tri-City Fabricating & Welding Co., Inc., 1014 S. Dittmer St., Davenport, IA 52808.

MC 114890 (Sub-5–4TA), filed April 30, 1980. Applicant: COMMERCIAL CARTAGE CO., 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. *Gasoline, in bulk, in tank vehicles,* from the facilities of Clark Oil and Refining Corporation at or near Hartford, IL, to the facilities of Clark Oil and Refining Corporation at or near Perryville, Farmington, and O'Fallon, MO. Supporting shipper: Clark Oil and Refining Corporation, 8530 West National Avenue, Milwaukee, WI 53227.

MC 117954 (Sub-5–2TA), filed May 1, 1980. Applicant: H. L. HERRIN, JR., d.b.a. H. L. HERRIN TRUCKING COMPANY, P.O. Box 1106, Metairie, Louisiana 70004. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67209. *Foodstuffs (except in bulk),* from Plover, WI to points in AL, CO, FL, GA, KY, LA, MS, MO, OK, TN and TX. Supporting shipper(s): Great American Basic Commodities, One Great American Way, Plover, WI 64467.

MC 118959 (Sub-5–5TA), filed May 2, 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick, Cape Girardeau, MO. 63701. Representative: Jack Gleason, 130 S. Frederick, Cape Girardeau, MO. 63701. *Plastic and Rubber Articles, Viz: Padding, cellular or expanded, Plastic, NOI or Pads (except commodities in bulk)* between the plantsites and facilities utilized by Burkhart Randall in IL and MO, on the one hand, and on the other points in the United States (except AK and HI). Supporting shipper is Burkhart Randall of Cairo, IL.

MC 119765 (Sub-5–1TA), filed April 30, 1980. Applicant: EIGHT WAY XPRESS, INC., 54302 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road,

Omaha, NE 68106. *Such merchandise as is dealt in by chain grocery stores,* from the facilities of A. E. Staley Mfg. Co., at Chicago, IL and its Commerical Zone to points in IA, MI, and NE. Supporting shipper: A. E. Staley Mfg. Co., 2222 Kensington Court, Oak Brook, IL 60521.

MC 129032 (Sub-5–4TA), filed May 1, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Avenue, Tulsa, OK 74145. Representative: Mr. John Fischer, Silver, Rosen, Fischer & Stecher, 256 Montgomery Street, 5th Floor, San Francisco, CA 94104. *Pump and pump parts (except in bulk),* from the facilities of Daniel Industries, Inc., Ruth-Berry Pump Division located at Houston, TX to points in AZ, CA, GA, IL, IN, MI, MN, MO, NC, OH, OK, OR, SC, TN, VA, WA, and WI. Supporting shipper: Daniel Industries, Inc., Ruth-Berry Pump Division, P.O. Box 21186, Houston, TX 77026.

MC 127047 (Sub-5–1TA), filed April 30, 1980. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. (1) *Water pumping units and accessories,* from Winfield, KS to points in the United States (except AK and HI), and, (2) Materials and supplies used in the manufacture and distribution of water pumping units and accessories, (except in bulk), from Buffalo, NY; Twin Falls, ID; Portland, OR; Fresno, CA; Oklahoma City, OK and Amarillo, Lubbock and Dallas, TX to Winfield, KS. Supporting shipper: Kesler, International, P.O. Box 4264, Boulder, CO 80306.

MC 135678 (Sub-5–6TA), filed April 30, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment,* between Amarillo, TX and Albuquerque, NM. Applicant intends to take with existing authority. There are 23 supporting shippers.

MC 139442 (Sub-5–1TA), filed April 29, 1980. Applicant: ALPHA CARGO MOTOR EXPRESS, INC., 2821 West 7th St., P.O. Box 425, Fort Worth, TX 76101. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. *Contract; irregular.* (1)(a) *Brick, fire brick, and hollow building tile, and* (b) *such other commodities as are used in the installation of the commodities named in (1)(a);* and (2) *Concrete products,* between points in AR, KS, LA, MS, MO, OK, TN, TX and NM under continuing contract(s) with Acme Brick Company, a Division of Justin Industries, Inc. Supporting shipper: Acme Brick Company, a Division of Justin Industries, Inc., Fort Worth, TX 76101.

MC 139206 (Sub-5–3TA), filed April 30, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura Berry, (same address as applicant). Contract, irregular, *watches, cookware, microwave ovens, stereos, television sets, and dated advertising material,* from points in CA, IL, NJ, TN and WI, to the facilities of Marketing Associates of America, Inc., at St. Louis and Kansas City, MO. Supporting shipper: Marketing Associates of America, Inc., 2345 Millpark Drive, St. Louis, MO 63043.

MC 139587 (Sub-5–3TA) filed May 1, 1980. Applicant: BROWN REFRIGERATED EXPRESS, INC., 21st and Sidney, P.O. Box 603, Fort Scott, KS 66701. Applicant's representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Furniture parts and materials and supplies used in the manufacture thereof,* (1) From Carthage, MO to points in IA, IL, OH and WI (2) from Denver, CO to points in AZ, OR, TX, UT and WA, and (3) from Alton, IL to Brenham, TX, Carthage, MO and Eaton Park, FL, for 180 days. Supporting shipper: Steadley Company, Inc., 200 River Street, Carthage, MO 64836.

MC 140364 (Sub-5–2TA), filed May 2, 1980. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: L. J. Celmins, 111 W. Clarendon Ave., Phoenix, AZ 85077. Contract, irregular, *meats, meat products, meat by-products, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers as described in Sections A, B, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk) from* points in CA, NV, OR and WA to the plantsite and storage facilities utilized by Armour and Company at or near Nampa, ID. Restriction: The above authority is restricted to the transportation of traffic originating at the named points and destined to the plantsite and storage facilities utilized by Armour and Company, and is limited to a transportation service to be performed under a continuing contract(s) with Armour and Company. Supporting shipper(s): Armour and Company, 111 W. Clarendon Ave., Phoenix, AZ.

MC 142364 (Sub-5–7TA), filed May 1, 1980. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, Post Office Box 368, Van Buren, AR 72956. Applicant's representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Animal feed supplements and animal health care products, and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the facilities of Diamond Shamrock, Inc., at or near Van Buren, AR, on the one hand, and, on the other, points in CA, CO, IA, KS, MN, MO, NE, NM, OK and TX. Supporting shipper: Diamond Shamrock, Inc., 1100 Superior Avenue, Cleveland, OH 44114.

MC 142857 (Sub-5–2TA), filed April 30, 1980. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107-B, Hope, AR 71801. Applicant's representative: Mark J. Andrews, Suite 1100, 1660 L Street, NW., Washington, DC 20036. Contract; irregular. (1) *Bakery goods,* (a) from the facilities of Meyer's Bakeries, Inc. at or near Arizona City, AZ to AR, CA, CO, ID, KS, LA, MO, MS, MT, NM, NV, OK, OR, TN, TX, UT, WA and WY; (b) from the facilities of Meyer's Bakeries, Inc. at or near Orlando, FL to CT, DC, DL, IN, KY, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VA, VT and WV; (2) *equipment, materials and supplies used in the manufacture and distribution of bakery goods (except in bulk) and flour, in bulk,* from destinations named in (1)(a) and (1)(b) above to origins named in (1)(a) and (1)(b) above. Supporting shipper: Meyer's Bakeries, Inc., 5800 "R" Street, Suite 215, Little Rock, AR 72207.

MC 143255 (Sub-5–1TA), filed May 1, 1980. Applicant: R&D TRANSPORTATION CORPORATION, 818 5th Ave. P.O. Box 1908, Des Moines, Iowa 50309. Representative: Donald B. Strater, 1350 Financial Center, Des Moines, Iowa 50309. Contract; Irregular. *(1) Lumber, lumber products, and building materials; and (2) such commodities as are dealt in or used by distributors of the commodities named in (1) above,* from the facilities of Pyramid Mountain Lumber, Inc. in or near Seeley Lake, MT, to LA, AL, MS, FL, GA, NC, SC, VA, KY, and PA. Supporting shipper: Pyramid Mountain Lumber, Inc., P.O. Drawer J, Seeley Lake, MT 59869.

MC 144435 (Sub-5–1TA), filed May 1, 1980. Applicant: J & L REFRIGERATED TRUCKING CO., INC., 905 East Langsford Road, Lee's Summit, MO

64063. Representative: Same as above. Contract; Irregular. *Meat, Meat products and articles distributed by meat packing houses* as described in description to Motor Carriers Certificate 61 M.C.C. 209 & 766 (Except hides commodities in bulk) from plant sites of Cudahy Foods Corporation, Waterloo, IA and Independence, IA to points in and between AL, AR, GA, FL, IA, KS, LA, MO, MS, NC, OK, SC, TN, and TX. Supporting shipper: Cudahy Foods Company, P.O. Box 29029, Phoenix, AZ 85038.

MC 145970, (Sub-5–1TA), filed May 1, 1980. Applicant: SKILLETT & SONS, INC., Rush Center, KS 67575. Representative: Erle W. Francis, Esq., 719 Capitol Federal Bldg., Topeka, KS 66603. Contract; Irregular. (1) *Plastic bottles* from Denver, CO to facilities of Pepsi-Cola of Lyons, Inc., at or near Hays, KS; (2) *Glass bottles* from Muskogee and Sapulpa, OK, to the facilities of Pepsi-Cola of Lyons, Inc. at or near Hays, KS, and (3) *Pepsi-Cola and other soft drinks, in aluminum cans,* from Tulsa, OK to the facilities of Pepsi-Cola of Lyons, Inc. at or near Hays, KS. Supporting shipper: Pepsi-Cola of Lyons, Inc., 2000 Front Street, P.O. Box 460, Hays KS, 67601.

MC 149088 (Sub-5–1TA), filed April 30, 1980. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Applicant's representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Crushed limestone from points in Larimer County, CO to the facilities of The Great Western Sugar Company located approximately 4 miles west of Goodland, KS. Supporting shipper: The Great Western Sugar Co., P.O. Box 3508, Denver, CO 80217.

MC 149277 (Sub-5–3TA), filed April 30, 1980. Applicant: MID-SOUTH TRANSPORTATION, INC., Post Office Box 113, Springdale, AR 72764. Applicant's representative: Don Garrison, Esq. Post Office Box 1065 Fayetteville, AR 72701. *Prefabricated Log Homes, and parts, equipment and supplies used in the manufacturing, distribution and sale thereof*—between the facilities of Beaver Log Homes, Inc. at or near Claremore, OK, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Beaver Log Homes, Inc., Post Office Box 1145, Claremore, OK 74017.

MC 150017 (Sub-5–2TA), filed January 29, 1980. Applicant: DELICIOUS FOODS CARRIERS, INC., 2629 North Broadwell, P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular; (1) *Frozen vegetable products* from the facilities of Delicious Foods Co. in NE to points in the U.S. (except AK and HI); (2) *Parts, materials, and supplies utilized in the manufacture of the commodities described in Part (1)* from points in the U.S. (except AK and HI) to the facilities of Delicious Foods Co. in NE. Restricted to a transportation service to be performed under a continuing contract(s) with Delicious Foods Co. Supporting shipper: Delicious Foods Co., N. Highway 281, Grand Island, NE.

MC 150510 (Sub-5–1TA), filed May 1, 1980. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 East Cherry Street, Troy, MO 63379. Representative: Steven Lauer, Charles White, Jr., Arnall, Golden & Gregory, Suite 800–1019, 19th St. NW., Washington, DC 20036. Contract; Irregular. *Bakery Products,* from the facilities of Wetterau, Incorporated at Hazelwood, MO, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Wetterau Incorporated, 8920 Pershall Road, Hazelwood, MO 63042.

MC 150682 (Sub-5–1TA), filed April 28, 1980. Applicant: KeDaSHAW, INC., P.O. Box 246, Kensington, KS. 66951. Representative: Erle W. Francis, Esq., Suite 719, 700 Kansas Avenue, Topeka, KS 66603. *Cheese, whey, whey protein and milk* (1) from Hebron, Oxford and Dodge, NE to points in AZ, CO, IL, IA, KS, LA, MO, ND, UT and TX; (2) from Revenna, NE to points in AZ, CO, FL, IL, IA, KS, LA, MO, NY, UT, and TX; and (3) *Boxes and packages* from Des Moines, IA and *cheese ingredients* from KS to Dodge, Hebron, Oxford and Revenna, NE. Supporting shippers: Swan Enterprises, Inc., Hebron, NE; and Ravenna Cheese Co., Ravenna, NE.

MC 150711 (Sub-5–1TA), filed May 1, 1980. Applicant: R.G.B. TRANSPORTATION COMPANY, INC., 6666 Gateway East, El Paso, TX 79935. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Frozen foods,* from Seattle, WA, to El Paso, TX. Supporting shipper: Hascom Frosted Foods, Inc., 2215 Myrtle, El Paso, TX 79901.

MC 150711 (Sub-5–2TA), filed May 1, 1980. Applicant: R.G.B. TRANSPORTATION COMPANY, INC., 6666 Gateway East, El Paso, TX 79935. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Wearing apparel,* from El Paso, TX to Seattle, WA. Supporting shipper: Brittania Manufacturing, Inc., 9571 Pan American, El Paso, TX 79907.

MC 35320 (Sub-531TA), filed January 31, 1980. Applicant: T.I.M.E.–DC, Inc., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common,* Regular. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving the facilities of the Duval Corporation, at or near Rustler Springs, TX as an off-route point in connection with carrier's otherwise authorized regular route operation. Supporting shipper: Duval Sales Corp., P.O. Box 2967, Houston, TX 77001.

MC 75320 (Sub-225TA), filed January 21, 1980. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 67801. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *Common,* Regular; *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).* (1) Between Indianapolis, IN and Omaha, NE: From Indianapolis over Interstate Hwy 74 to its junction with Interstate Hwy 80 at or near Moline, IL, then over Interstate Hwy 80 to Omaha and return over the same route, serving Des Moines, IA as an intermediate point and serving the junction of Interstate Hwy 74 and IN Hwy 63 at or near Veedersburg, IN as a point of joinder only. (2) Between Terre Haute, IN and the junction of IN Hwy 63 and Interstate Hwy 74 at or near Veedersburg, IN: From Terre Haute over IN Hwy 63 to junction IN Hwy 63 and Interstate Hwy 74 at or near Veedersburg and return over the same route, serving the junction of IN Hwy 63 and Interstate Hwy 74 as a point of joinder only. Applicant intends to tack and interline with other carriers. Supporting shippers: 38.

MC 107037 (Sub-5–2TA), filed March 31, 1980. Applicant: BROWN TRANSFER CO., 1202 E. 26th St., Kearney, NE 68847. Representative: Donald L. Stern, Stern & Becker, P.C., Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Common;* regular. *General commodities,* except those of unusual value, Classes A and B explosives, household goods, livestock, commodities requiring special equipment other than refrigeration, and those injurious or contaminating to other lading, between Broken Bow, NE and Kearney, NE serving all intermediate points, as follows: from Kearney, NE over NE Hwy 10 to junction NE Hwy 40, thence over NE Hwy 40 to junction US Hwy 183, thence over US Hwy 183 to junction NE Hwy 92, thence over NE Hwy 92 to

Broken Bow, NE over NE Hwy 10 to junction NE Hwy 2, thence over NE Hwy 2 to junction NE Hwy 92, thence over NE Hwy 92 to Broken Bow, NE, and return over the same route, for 180 days. Supporting shippers: There are 50 supporting shippers.

Note.—Tacking with applicant's regular rute authority at Kearney, NE is requested. Interlining with other carriers is also requested.

MC 128273 (Sub-381TA), filed September 12, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). *Such commodities as are used, manufactured or dealt in by manufacturers and distributors of furniture and bedding products (except commodities in bulk)* from the facilities of Leggett & Platt, Inc. at or near Simpsonville and Winchester, KY to points in AL, AZ, AR, CA, CO, CT, OK, FL, GA, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VT, VA, WY, WI, and DC. Supporting shipper: Leggett & Platt, Inc., Carthage, MO 64638.

MC 138772 (Sub-8TA), filed December 18, 1979. Applicant: ALL WAYS FREIGHT LINES, INC., P.O. Box 2426, Kansas City, KS 66110. Representative: Marvin D. Robertson (same address as above). *Common carrier*, regular routes—*General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Beatrice, NE and Marysville, KS with service to all intermediate points; From Beatrice, NE; over NE Hwy 4 to junction NE Hwy 103, then over NE Hwy 103 to NE Hwy 41, then over NE Hwy 41 to US Hwy 81, then over US Hwy 81 to KS Hwy 9, then over KS Hwy 9 to KS Hwy 15, then over KS Hwy 15 to US Hwy 36, then over US Hwy 36 to Marysville, KS and return over the same route: (2) Between Marysville, KS and Belleville, KS serving all intermediate points, From Marysville, KS over US Hwy 36 to Belleville, KS and return over the same route; (3) Between Beatrice, NE and Hebron, NE serving all intermediate points, From Beatrice, NE over US Hwy 136 to Hebron, NE and return over the same route; (4) Between the junction of NE Hwy 15 and NE Hwy 41, and the junction KS Hwy 15W and US Hwy 36, serving all intermediate points, From junction NE Hwy 15 and NE Hwy 41 over NE Hwy 15—KS Hwy 15W to junction KS Hwy 15W and US Hwy 36 and return over the same route; (5) Serving the off-route points in Marshall; Washington; Republic; Cloud Counties, KS and the off-route points in Jefferson and Thayer Counties, NE, and those in Fillmore and Saline Counties, NE, lying south of NE Hwy 41, east of US Hwy 81 and west of NE Hwy 103; (6) Between Leavenworth, KS and St. Joseph, MO as an alternate route for operating convenience only, From Leavenworth, KS over KY Hwy 92 to its junction with MO Hwy 45, then over MO Hwy 45 to its junction with US Hwy 59 then over US Hwy 59 to St. Joseph, MO and return over the same route, for 180 days. Applicant does intend to tack at Marysville, KS and applicant does intend to interline at Kansas City for through service between points in existing authority on points in Missouri and points sought herein. Underlying ETA for 90 days has been filed. Supporting shippers: 19.

MC 147196 (Sub-3TA), filed January 2, 1980. Applicant: ECONOMY TRANSPORT, INC. P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same address as applicant). *Contract*, Irregular; *Paper and paper articles* from the facilities of Crown Zellerbach Corp. or those facilities under a continuing lease or contract with Crown Zellerbach Corp. at Houston and Dallas, TX to all points in the states of AR, CO, LA, MO, NM, OK, and TN. Supporting shipper: Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, LA 70427.

MC 148812 (Sub-1TA), filed December 6, 1979. Applicant: TRANSWAY, INC., 1320 East Sixth Street, Irving, TX 75060. Representative: Charles W. Gilchrist, 1320 East Sixth Street, Irving, TX 75060. *Contract*, irregular; (1) *automotive parts—new;* (2) *automotive parts—used* (1) from Dallas Ft Worth, TX to Chicago, IL; Columbus, OH; Miami, FL; Detroit, MI; N. Brunswick, NJ; Atlanta, GA; Los Angeles, CA; Miami, FL to Dallas-Fort-Worth, TX. Supporting shippers: Superior Industries, Inc., 10797 Harry Hines Blvd., Dallas, TX 75220; Grand Electronics Mfg., Inc., 200 N. Marsalis, Dallas, TX 75203.

MC 148823 (Sub-TA), filed December 21, 1979. Applicant: FRANK E. KLUBEK AND LARRY G. CRAWFORD, d.b.a. KLUBEK-CRAWFORD TRUCKING CO., P.O. Box 421, Lebo, KS 66856. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Hides, hide trimmings and tails* (a) between Memphis, TN on the one hand, and on the other, points in AL, CA, FL, IL, KS, MI, MS, NJ, NY, PA and WI (b) between Hastings, NE on the one hand, and on the other, Cactus, Houston, and Laredo, TX; and Clovis, NM. Supporting shippers: Memphis Processors, Inc., 700 W. Peebles, Memphis, TN 38109; Southwestern Trading Co., P.O. Box 33279, Houston, TX 77033.

MC 149150 (Sub-5-2TA), filed January 4, 1980. Applicant: AUTO AUCTION, INC., 2944 W. Sunshine, Springfield, MO 65807. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO. *Used pickup trucks, used vans, and used cars.* From Springfield, MO to points in AR, IL, IN, IA, KS, MI, NE, OK, TN, and TX. Supporting shippers: 18 supporting shippers.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 6. SEND PROTESTS TO: INTERSTATE COMMERCE COMMISSION, REGION 6 MOTOR CARRIER BOARD, P.O. BOX 7413, SAN FRANCISCO, CA 94120.

MC 129994 (Sub-6-3TA), filed May 1, 1980. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Salt Lake City, UT 84107. Representative: Marilyn McNeil (same address as applicant). *Building and construction materials (except in bulk) and materials and supplies used in the manufacture and distribution of construction materials,* between the facilities of the Celotex Corporation at or near Tracy, CA, on the one hand, and, on the other, those points in the States of AZ, CO, NV, WY, and UT for 180 days. Supporting shipper: Jim Walter Celotex Corp., 1500 North Dale Mabry Highway, Tampa, FL 33622.

MC 150707 (Sub-6-1TA), filed April 30, 1980. Applicant: CASPER MOBILE HOME SALES, INC., 3591 Florida Drive, Loveland, CO 80537. Representative: Richard J. Bara, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. *Mobile homes, factory built housing,* and *factory built housing sections,* mounted on wheeled undercarriages or readily adaptable to being mounted on wheeled undercarriages, (a) between points in CO, NE, and WY; and (b) between points in CO, NE, WY on the one hand, and, on the other, points in KS, MT, ND, SD and UT, for 180 days. There are seven supporting shippers. Their statements may be examined at the Regional office listed. An underlying ETA seeks 90 days authority.

MC 135185 (Sub-6-3TA), filed May 1, 1980. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Gary Avenue, Santa Ana, CA 92705. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80215. *Contract carrier,* irregular routes: *Cleaning, scouring and washing compounds, polishing and buffing*

compounds, disinfectants, deodorants, drugs and toilet preparations, insecticides, other household cleaning supplies, chemicals, hydraulic solvents, rubber cement, caulking and brazing compounds, varnish, paints, phosphoric acid and titanium dioxide, (1) from Danville, IL and Berkeley, RI to Alliance, OH and Secaucas, NJ; (2) from Alliance, OH to Chicago, IL and Carlstadt, NJ (3) from Elkhart, IN to Massillon, OH and Cranbury, NJ; (4) from Batavia, West Chicago, and Lincoln, IL; Ligonier, IN; and Wixom, MI to Toledo, OH; (5) from Toledo, OH to Chicago, IL (6) from Marion and Seymour, IN; Fostoria and Sidney, OH; Fairbault, MN; Washington and York, PA; Millville, NJ; Kansas City and St. Louis, MO; Wixom, MI; Montrose, IA; and Toledo, OH to Lincoln, IL; (7) from Lincoln, IL; to Montrose, IA, Fostoria, OH; Milwaukee, WI; and Kansas City, and St. Louis, MO. Authority is sought from all points in the commercial zones of the named origin cities to all points in the commercial zones of the named destination cities in Parts 1–7. For the account of Lehn and Fink Products Co., a Division of Sterling Drug, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lehn and Fink Products Co., a Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, NJ 07645.

MC 136605 (Sub-6–7TA), filed May 1, 1980. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: W. E. SELISKI (same address as applicant). *(1) Irrigation Equipment, Supplies, Parts and Accessories used in the manufacture and installation of irrigation equipment; (2) Steel Spokes.* (1) From the facilities of Wade Manufacturing Company located at or near Tualatin, OR to points in the states of AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, MI, MN, LA, MS, MO, MT, NE, NV, NM, ND, OH, OK, SD, TN, TX, UT, WA, WI and WY. (2) From Los Angeles County, CA to points in the states of OR, AZ and ID, for 180 days. Supporting shipper: Wade Manufacturing Co., 9995 SW Avery Road, Tualatin, OR 97062.

MC 119567 (Sub-6–1TA), filed April 29, 1980. Applicant: EMPIRE TRANSPORT, INC., 2007 Overland, Boise, ID 83705. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Lime and aggregates in bulk,* from Canyon County, ID to Malheur County, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amalgamated Sugar Co., P.O. Box 1520, Ogden, UT 84402.

MC 146486 (Sub-6–1TA), filed April 29, 1980. Applicant: GARY HARTMANN, an individual, d.b.a. FOREST PRODUCTS TRANSPORTATION, P.O. Box 857, Plant Road, Ukiah, CA 95482. Representative: Edward J. Hegarty, Loughran & Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. *Salt,* except in bulk, from the facilities of Leslie Salt Co. in Newark, CA to points in OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Leslie Salt Co., P.O. Box 364, Newark, CA 94560.

MC 109689 (Sub-6–5TA), filed April 30, 1980. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, Attorney at Law, 10 West Broadway, No. 400, Salt Lake City, UT 84101. *Fertilizer solutions, in bulk* from Finley, WA to Winnemucca, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Simplot Soil Builders, P.O. Box 232, Winnemucca, NV 89445.

MC 139906 (Sub-6–15TA), filed April 30, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84127. Representative: Mr. Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Aluminum sulfate* (except commodities in bulk) from Bastrop, LA, and points within its commercial zone to AL, AR, FL, GA, IN, IL, KS, KY, MS, NJ, NC, SC, OK, TX, TN, and NM for 180 days. Supporting shipper: Stauffer Chemical Co., Westport, CT 08660. An underlying ETA seeks 90 days authority.

MC 139906 (Sub-6–17TA), filed April 30, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, Utah 84127. Representative: Mr. Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *(1) Dry goods, notions, and holiday decorations, and (2) parts, materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities in (1) above* (except in bulk); from points in the United States to the facilities of William E. Wright Co., at or near West Warren, MA, for 180 days. Supporting shipper: William E. Wright Co., South Street, West Warren, MA 01092. An underlying ETA seeks 90 days authority.

MC 143760 (Sub-6–1TA), filed April 30, 1980. Applicant: POINTS WEST TRUCKING, INC., 20727 Santa Clara St., Canyon Country, CA 91351. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier:* Irregular routes: *Plastic, vinyl and polyester sheeting, plastic articles and fabric,* from Brooklyn, NY, Patterson, Bayonne, Linden, Newton and Passaic, NJ, and Fall River, MA, to the facilities of Hygiene Industries, CA, Inc., at Gardena, CA, for the account of Hygiene Industries California, Inc., for 180 days. Supporting shipper: Hygiene Industries California, Inc., 13210 S. Normandie Ave., Gardena, CA 90249.

MC 148630F (Sub-6–1TA), filed April 30, 1980. Applicant: WINFRED RAY SCOTT d.b.a. RAY SCOTT TRUCKING, 4107 East 52nd Street, Maywood, California 90270. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, California 90017. *Food products, food, and foodstuffs,* between Los Angeles County, CA, on the one hand, and, on the other, points in OR and WA, for 180 days. An underlying ETA seeks 90 days authority. There are five (5) supporting shippers. Their statements may be examined at the Regional office listed.

MC 138875 (Sub-6–9TA), filed April 29, 1980. Applicant: SHOEMAKER TRUCKING CO., an Idaho corporation, 11900 Franklin Road, Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). *Such products as are dealt in by the manufacturers of electronic equipment (except commodities in bulk),* from Rochester, MN to Boise, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Garry Stentzel, Traffic Manager, Hewlett-Packard, P.O. Box 39, Boise, ID 83707.

MC 147528 (Sub-6–2TA), filed April 29, 1980. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Drive, Meridian, ID 83642. Representative: Dan L. Poole, Esq., Elam, Burke, Jeppesen, Evans & Boyd, P.O. Box 1559, Boise, ID 83704. *Contract Carrier,* Irregular routes: *Masonry Articles and Supplies (except commodities by reason of their size or weight require the use of special equipment, commodities in bulk, and those commodities described in Mercer-Oil Field Commodities, 74 MCC 459),* from points in (1) Portland, Beverton and Gresham, OR, and from Port of Entry on the International Boundary Line between Canada and the U.S. at or near Sumas, WA, to points in ID south of the northern boundary of Idaho County, Restricted to traffic for the account of The Masonry Center, Inc. (2) From Port of Entry on the International Boundary Line between Canada and the U.S. at or near Sumas, WA to points in UT and CO, and points in ID south of the northern boundary of Idaho County, Restricted to traffic for the account of Clayburn, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: The Masonry Center, Inc., 1424 No. Orchard St., Boise,

ID 83706; Clayburn, Inc., 8915 152nd Ave. N.E., Redmond, WA 98052.

MC 150481 (Sub-6–1TA), filed April 25, 1980. Applicant: TOMMY G. DENNIS, d.b.a . T. G DENNIS TRUCKING, 3600 Schurz Highway, Fallon, NV 89406. Applicant's representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Meat, meat products, articles distributed by meat packing houses and foodstuffs,* except hides, and commodities in bulk, between points in Washoe County, NV on the one hand, and on the other, points in NV, for 180 days. Applicant will interline at points in Washoe County, NV. An underlying ETA seeks 90 days authority. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 134574 (Sub-6–1TA), filed: April 28, 1980. Applicant: FIGOL DISTRIBUTORS, LIMITED, P.O. Box 6298, Station "C", Edmonton, AB T5B 4K6 Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. *Tires, recap rubber, and materials used in the manufacture, processing and recapping of tires,* except commodities in bulk, from points in CA, IA, OK, OR, TX and WA to points in MT, for 180 days. Applicant has filed an underlying 90 day ETA. Supporting shipper: Jerry Noble Tires, 712 Central Avenue West, Great Falls, MT 59404.

MC 146231 (Sub-6–1TA), filed April 28, 1980. Applicant: SEATON SMITHSON FLEGEL, and JERRY DEAN FLEGEL, d.b.a. S. S. FLEGEL TRUCKING, Route 1, Box 867, Prineville, OR 97754. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. *Wood products,* except wood residuals in bulk, and *lumber,* between points in Jefferson, Deschutes, Crook, Grant, Union, and Baker Counties, OR, on the one hand, and, on the other, points in Shasta, Tehama, and Lassen Counties, CA, Yakima, Okanogan, Klickitat, and Walla Walla Counties, WA, and Canyon, Payette, Ada, and Gem Counties, ID, for 180 days. An underlying ETA seeks 90 day authority. There are six shippers. Their statements may be examined at the Regional Office listed.

MC 133779 (Sub-6–1TA), filed April 28, 1980. Applicant: FUNDIS COMPANY, a corporation, P.O. Box 740, Lovelock, NV 89419. Applicant's representative: Robert G. Harrison, 1299 James Drive, Carson City, NV 89701. *Articles dealt in by wholesale plumbing distributors and/or pipeline installation contractors,* from points in San Joaquin, Contra Costa, Alameda, and Yolo Counties, CA to the facilities of Record Supply Co. located in Washoe County, NV. Restriction: Transportation of articles requiring the use of special equipment is prohibited, from points in San Joaquin, Contra Costa, Alameda and Yolo Counties, CA to facilities of Record Supply Co. located in Washoe County, NV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Record Supply Co., 315 Record Street, Reno, NV 89502.

MC 148721 (Sub-6–1TA), filed April 28, 1980. Applicant: H & D TRANSPORTATION, INC., 9850 Adella Avenue, South Gate, CA 90280. Applicant's representative: MIlton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *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) which are at the time moving on bills of lading issued by ABC Trans National Transport, a freight forwarder, as defined in Section 10102(8) of the Interstate Commerce Act, between points in the states of AZ, CA, ID, MT, NV, OR and WA, for 180 days. Supporting shipper: ABC Trans National, Jay Harn, Vice President, 2110 Alhambra, Los Angeles, CA 90031.

MC 148451 (Sub-6–1TA), filed April 23, 1980. Applicant: HOLSTINE TRUCKING, INC., 125th Old Brighton Road, Henderson, CO 80640. Applicant's representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *Flour and animal mill feeds,* from Commerce City, CO to points in TX, NM and AZ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Peavey Company, 4545 East 64th Avenue, Commerce City, CO 80022.

MC 150670 (Sub-6–1TA), filed April 28, 1980. Applicant: LEMMONS TRUCKING, INC., 2308 Talley Way, Kelso, WA 98626. Applicant's representative: Earle V. White, 2400 SW Fourth Avenue, Portland, OR 97201. *Wood Residuals,* in bulk, from Centralia, WA to Longview, WA (for export) and Wauna, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northwest Hardwoods, Inc., 3000 Galvin Road, Centralia, WA 98531.

MC 126461 (Sub-6–1TA), filed April 25, 1980. Applicant: PACIFIC FREIGHTWAYS, LTD., 8020 Enterprise Street, Burnaby, BC V5A 1V7. Applicant's representative: Anthony W. Dougherty, 2120 Pacific Building, Seattle, WA 98105, (206) 624–5370. *General Commodities,* (except the Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and motor vehicles and commodities of unusual value), between points of entering on the International boundary line between the U.S. and Canada at or near Blaine, WA, on the one hand and, on the other, Seattle and Tacoma, WA, restricted to the transportation of shipments which have a prior or will have a subsequent movement by water and further restricted to movements in foreign commerce, for 180 days. Supporting shipper: Sea-Land Service, 2805 26th Ave. SW., Seattle, WA 98106.

MC 52465 (Sub-6–1TA), Applicant: filed April 28, 1980. RICE TRUCK LINES, P.O. Box 395, Black Eagle, MT 59414. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59403. *Petroleum and petroleum products,* in bulk, from Salt Lake City, UT to points in MT, for 180 days. Applicant has filed an underlying 90 day ETA. Supporting shipper: Texaco, Inc., 1111 Rusk Street, P.O. Box 52232, Houston, TX 77052.

MC 142846 (Sub-6–1TA), filed April 25, 1980. Applicant: ROYAL COACH TOURS, 644 Stockton Avenue, San Jose, CA 95126. Applicant's representative: William D. Taylor, Handler, Baker, Greene & Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Passengers and their baggage, in the same vehicle with passengers, in charter operations,* beginning and ending in points in Santa Clara County, CA, and extending to points in Douglas, Storey, Washoe and Carson City Counties, NV, for 180 days. An underlying ETA seeks 90 days authority. There are seven (7) supporting shippers. Their statements may be examined at the office listed.

MC 124692 (Sub-6–5TA), filed April 28, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Heating, cooling and heat exchange and transfer machinery and ice making equipment and materials, parts and supplies therefor,* from the facilities of McQuay-Perfex, Inc. at or near Faribault, MN and Spirit Lake, IA to points in the United States in and west of ND, SD, NE, KS, OK and TX (except AK and HI) for 180 days. Supporting shipper: McQuay-Perfex, Inc., 13600 Industrial Park Boulevard, Minneapolis, MN 55441.

MC 143901 (Sub-6–1TA), filed April 28, 1980. Applicant: THOROUGHBRED TRUCKING, INC., P.O. Box 928, Stanwood, WA 98292. Representative: Ronald P. Erickson, Kargianis & Austin,

2120 Pacific Building, Seattle, WA 98104, (206) 624–5370. *Contract carrier,* Irregular routes: *Paper products,* between Sunnyvale, CA to points in OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Paterson Pacific Parchment Company, 1400 Kifer Road, Sunnyvale, CA 94086.

MC 143901 (Sub-6–2), filed April 28, 1980. Applicant: THOROUGHBRED TRUCKING, INC., P.O. Box 928, Stanwood, WA 98292. Representative: Ronald P. Erickson, Kargianis & Austin, 2120 Pacific Building, Seattle, WA 98104, (206) 624–5370. *Contract carrier,* irregular routes: *Commodities such as are dealt in by food and grocery houses,* from Sunnyvale, CA to points in NV, AZ, UT, ID, MT, CO, and NM, for the account of Shedd's Food Products, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Shedd's Food Products, 1484 Kiefer Rd., P.O. Box 1127, Sunnyvale, CA 94086.

MC 141804 (Sub-6–30TA), filed April 28, 1980. Applicant: WESTERN EXPRESS, Division of, Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Furniture,* furniture parts and material equipment and supplies used in the manufacture of furniture and furniture parts, from Atlanta, GA to Janesville, WI, restricted to traffic moving to the facilities of Simmons U.S.A., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Peter F. Meehan, Asst. Manager Transportation, Simmons U.S.A., P.O. Box 105032, Six Executive Park Drive, N.E., Atlanta, GA 30348.

MC 141804 (Sub-6–31TA), filed April 28, 1980. Applicant: WESTERN EXPRESS, Division of, Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *General commodities,* (except foodstuffs requiring refrigeration; meats, meat products and packing-houses, as described in Section A, B, & C of Appendix I to the report in Motor Carrier 61, M.C.C. 209, 766; articles of unusual value, Classes A & B explosives; household goods as defined by the Commission, commodities in bulk, and those requiring the use of Special equipment). Restricted to traffic having a prior movement by water, from the ports of Seattle and Tacoma, WA to points in SD, OK, TX, AL, SC, NC, VA, WV, MD, DE, RI, CN, NH, VT, ME and DC, for 180 days. Supporting shipper: Robert A. Leslie, Operations Manager, Arthur J. Fritz & Company, P.O. Box 21786, Seattle, WA 98111.

MC 141804 (Sub-6–32TA), filed April 28, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Hospital and medical supplies and sporting goods,* from Anaheim, CA to Portland, OR and Seattle, WA and their respective commercial zones. Restricted to traffic originating at or destined to facilties utilized by Brunswick Corporation, for 180 days. Supporting shipper: Jack Kenneally, Transportation Manager, Brunswick Corporation, One Brunswick Plaza, Skokie, IL 60067.

MC 144779 (Sub-6–1TA), filed April 29, 1980. Applicant: AHA, INC., Box 158, Panguitch, UT 84759. Representative: Glen M. Hatch, 80 West Broadway, Suite 300, Salt Lake City, UT 84101. *Lumber* from Fredonia, AZ to points in NM, TX and CA and from Panguitch, UT to points in NM, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper: Kaibab Lumber Company, P.O. Box 439, Fredonia, AZ.

MC 136605 (Sub-6–6TA), filed April 29, 1980. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (Same address as applciant). *Contract carrier,* irregular routes, *Salt and Salt Products, Material, Equipment and supplies used in the manufacturing or distribution of salt and salt products,* between the facilities of Great Salt Lake Minerals & Chemicals Corporation located at or near Little Mountain, UT and points in the U.S. in and west of the states of WI, IN, IL, MO, AR and TX, for 180 days. Supporting shipper: Great Salt Minerals & Chemicals Corporation, P.O. Box 1190, Ogden, UT 84402.

MC 124679 (Sub-6–15TA), filed April 28, 1980. Applicant: C.R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Representative: Robert H. Cannon (same address as applicant). *Foodstuffs* from Salt Lake City, UT to Orlando, FL and Tyler, TX, for 180 days. Supporting shipper: Southland Corporation, 5850 West Amelia Earhart Drive, Salt Lake City, Utah 84116. Underlying ETA seeks 90 days authority.

MC 148880 (Sub-6–1TA), filed April 29, 1980. Applicant: JOHN HENRY GRAY, d.b.a. JOHNNY GRAY TRUCKING, INC., 4432 San Isidro N.W., Albuquerque, New Mexico. Representative: Duane F. Keating, 507 Roma N.W., Albuquerque, New Mexico 87102. *Cornstarch,* from in and around the Dimmitt, TX to CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amstar Corporation, P.O. Box 169, Dimmitt, Texas 79027.

MC 150674 (Sub-6–1TA), filed April 28, 1980. Applicant: IMR TRANSPORTATION, INC., P.O. Box 573, Casa Grande, AZ 85222. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Contract carrier,* irregular routes: (1) *Metallurgical offals and commodities used or dealt in by metallurgical waste recyclers,* from points in the United States to the plantsite of International Metal Recycling Corporation at or near Casa Grande, AZ; (2) *Copper cathodes, metallic salts and industrial and agricultural chemicals,* from the plantsite of International Metal Recycling Corporation at or near Casa Grande, AZ to points in the United States, for the account of International Metal Recycling Corporation only, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: International Metal Recycling Corporation, P.O. Box 573, Casa Grande, AZ 85222.

MC 148351 (Sub-6–1TA), filed April 28, 1980. Applicant: MANKE TRUCK LINE, INC., a Nevada Corporation, 2550 Boynton Lane, Reno, NV 89502. Representative: Mike Soumbeniotis, of Allison, Brunetti, MacKenzie & Taylor, Ltd., 402 N. Division Street, P.O. Box 646, Carson City, NV 89701. *Diatomaceous Earth,* between facilities of Eagle Picher Industries, Inc. located in Storey and Pershing Counties, NV on the one hand, and points in WA, OR, AZ, ID, MT, NM, UT, CA, and WY, on the other hand, and articles used in the manufacture, packaging and distribution of Diatomaceous Earth in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Eagle Picher Industries, Inc., Minerals Division, P.O. Box 12130, Reno, NV 89510.

MC 128527 (Sub-6–5TA), filed April 28, 1980. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: J. Michael Alexander, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, No. 301, Dallas, Texas 75237 (214) 339–4108. *General commodities* (except those of unusual value, classes A and B explosives, commodities requiring the use of special equipment, and commodities in bulk). Between points in the U.S., restricted to traffic moving on bills of lading of Seaport Co-op, Inc., for 180 days. Supporting shipper: Seaport Co-op, Inc., 730 N.W. 11th Avenue, Portland, Oregon 97209.

MC 128527 (Sub-6–5TA), filed April 28, 1980. Applicant: MAY TRUCKING COMPANY, P.O. Box 400 Payette, Idaho

83661. Representative: J. Michael Alexander, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, No. 301, Dallas, Texas 75237 (214) 339–4108. *General commodities* (except those of unusual value, classes A and B explosives, commodities requiring the use of special equipment, and commodities in bulk). Between points in the U.S., restricted to traffic moving on bills of lading of Farwest Shippers Association, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Farwest Shippers Association, Inc. 12855 48th Avenue South, Seattle, Washington 98168.

MC 142941 (Sub-6–4TA), filed April 28, 1980. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ, 85005. Representative: Doug W. Sinclair (same address as applicant). *Electrical transformers, cutouts, lightning arresters, pole line construction material and parts,* from the facilities of McGraw Edison at or near Visalia, CA, to points in AZ (representative points: Peoria, Phoenix, Tucson, Collidge), for 180 days. Supporting shipper: McGraw Edison Company, P.O. Box 2850, Pittsburgh, PA 15230.

MC 123329 (Sub-6–2TA), filed April 28, 1980. Applicant: H. M. TRIMBLE & SONS, LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Building, P.O. Box 2567, Great Falls, MT 59403. *Caustic soda,* in bulk, in tank vehicles, from Bellingham, WA to the United States/Canada International Boundary line located at ports of entry in WA, for 180 days. Applicant has filed an underlying 90 day ETA. Supporting shipper: FMC of Canada Limited, Industrial Chemical Group, Suite 570, 885 Dunsmuir Street, Vancouver, B.C. V6C 1N5.

MC 135803 (Sub-6–6TA), filed April 29, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140 (P.O. Box 67), Planada, CA 95365). Representative: Donald M. Fennel (same address as applicant). *Animal and poultry feed, feed supplements and ingredients used in the manufacture of animal and poultry feed,* between the facilities of Superene Feed Supplements, Inc., at or near Cypress and Kingsburg, CA and points in AZ, NV, OR, WA, UT, ID, NM, TX, and CA, for 180 days. Supporting shipper: Superene Feed Supplements, Inc., 5421 Philo St., Cypress, CA 90630.

MC 112989 (Sub-6–4TA), filed April 28, 1980. April 28, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. *Iron and steel articles,* from Addison and Chicago, IL and Gary and Hammond, IN to points in King County, WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Summerville Steel Co., 7010 S. 188th, Kent, WA.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–14445 Filed 5–9–80; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority 135]

Controller, AID; Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order No. 12163 of September 29, 1979 I hereby delegate the following functions and authorities to the Controller, AID:

1. Authority to sign the following:

a. Allocation request letters;

b. Appropriation transfer authorizations (SF–1151);

c. Advices of allotment and funding plans;

d. Advices of allocation;

e. Authorization letters to the Treasury Department concerning Federal Reserve Bank draft accounts;

f. Bank deposit agreements;

g. Travel advances;

h. Apportionment requests;

i. Letters of commitment to U.S. banking institutions or to U.S. suppliers;

j. Applications for letters of credit.

2. Authority with respect to any individual implementing document, as described in sec. 201.01(m) of A.I.D. Regulation 1, to waive, withdraw or amend under sec. 201.85. application of any of the provisions of Subpart H of A.I.D. Regulation 1.

3. Authority to sign and issue approvals and determinations, or to take such actions on behalf of the Administrator, as authorized or required by any of the provisions of A.I.D. Regulation 1 for which waiver authority is provided by paragraph 2 of this delegation.

4. Authority to appoint and to revoke the appointment of certifying officers.

5. Authority to request the Department of the Treasury to designate specified employees of A.I.D. as cashier, or such other designation as may be required in performing disbursing functions, and to request the revocation of such designation.

6. In accordance with sec. 202.8 of A.I.D. Regulation No. 2, to waive in individual cases any of the provisions of A.I.D. Regulation 2.

7. Authority to make findings, determinations and recommendations as appropriate relating to the relief of disbursing or other accountable officers pursuant to sections 82a–1 and 82a–2 of title 31 of the U.S. Code.

8. In addition to the foregoing, authority to designate on behalf of the Administrator, the officers or employees who are to execute the various budget, accounting and fiscal documents, other than those set forth above, and certifications required to be furnished by this Agency to the Department of the Treasury, the Office of Management and Budget, or any other agency of the U.S. Government.

9. To accept for use in the Foreign Assistance program, money, funds, or property, made available pursuant to section 635(d) of the Foreign Assistance Act.

10. Paragraph 2 of Delegation of Authority No. 36 to the Assistant Administrator for Program and Management Services is hereby revoked.

11. Redelegation of Authority No. 36.1 to the Controller, AID is revoked.

This delegation of authority is effective on May 12, 1980.

Dated: April 27, 1980.

Douglas J. Bennet, Jr.,

Administrator.

[FR Doc. 80–14501 Filed 5–9–80; 8:45 am]

BILLING CODE 4710–02–M

[Delegation of Authority 80]

Controller, AID; Delegations of Authority Regarding Collection of Claims

Pursuant to the authority vested in me by section 3 of the Federal Collection Act of 1966, 80 Stat. 308 (31 U.S.C. 952), I hereby delegate the following functions and authorities to be exercised in accordance with A.I.D. Regulation 13 (22 CFR Part 13):

1. To the Controller:

a. The administrative collection of claims;

b. The suspension or termination of collection action, upon consultation with the Office of the General Counsel;

c. The referral of claims to the General Accounting Office, upon consultation with the Office of the General Counsel.

2. To the General Counsel:

a. The referral of claims to the Deparrtment of Justice, upon consultation with the Office of the Controller:

b. The compromise of claims, upon consulation with the Office of the Controller.

The functions and authorities delegated herein may be redelegated.

This delegation of authority is effective on May 12, 1980.

This delegation of authority revokes the delegation of Authority No. 80 dated October 17, 1968.

Dated: April 27, 1980.

Douglas J. Bennet, Jr.,

Administrator.

[FR Doc. 80-14502 Filed 5-9-80; 8:45 am]

BILLING CODE 4710-02-M

[Delegation of Authority 85]

Controller, AID; Delegation of Authority Regarding Waiver of Claims for Overpayment of Pay

Pursuant to the authority delegated to me by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order No. 12163 of September 29, 1979, I hereby delegate to the Controller the authority vested in me by section 5584 of title 5, United States Code, to waiver in whole or in part of a claim by the United States, not in excess of $500, arising from an erroneous payment of pay to a person while in the employ of the Agency for International Development, or a predecessor agency.

The authority delegated herein shall be exercised in accordance with Title 5, United States Code, section 5584, the standards prescribed by the Comptroller General of the United States, and regulations, procedures, and policies now or hereafter established or modified and promulgated within Agency for International Development.

The authority may be redelegated further to those officers as the Controller shall specify, and may be exercised by persons performing the functions of those officers in an acting capacity.

This delegation of authority revokes Redelegation of Authority No. 85.1 to AID Controllers dated July 23, 1969.

This delegation of authority shall be effective immediately.

Dated: April 27, 1980.

Douglas J. Bennet, Jr.,

Administrator.

[FR Doc. 80-14503 Filed 5-9-80; 8:45 am]

BILLING CODE 4710-02-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Continental Plaza Hotel, North Michigan Avenue at Delaware, Chicago, Illinois, on June 9, 1980 beginning at 8:45 a.m.

The purposes of the meeting are to discuss topics and questions which may be recommended for inclusion in the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code Sections 1242(a)(1)(B) and (C); and to review the May Joint Board examinations in order to make recommendations relative thereto, including the minimum acceptable pass score.

A determination, as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in Title 5, U.S. Code Section 552(b)(5) and the public interest requires such meeting be closed to public participation.

Dated: May 6, 1980.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 80-14417 Filed 5-9-80; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Air and Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on April 25, 1980, a proposed amended consent decree in *United States* v. *City of Detroit* was lodged with the United States District Court for the Eastern District of Michigan. The proposed amended decree would require the city to improve the treatment capability of its municipal wastewater treatment plant and to reduce particulate emissions from fourteen sludge incinerators.

The Department of Justice will receive on or before June 12, 1980, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *City of Detroit* D. J. Ref. 90-5-1-1-764.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Courthouse, Detroit, Michigan 48226, at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice (Room 2644), Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $1.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-14493 Filed 5-9-80; 8:45 a.m.]

BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

American Folklife Center, Board of Trustees; Meeting

In accordance with Pub. L. 92-463, the Board of Trustees of the American Folklife Center announces its meeting to be held on June 6, 1980, in the Whittall Pavilion of the Library of Congress from 9:30 a.m. to 5:00 p.m. The meeting will be open to the public up to the seating capacity of the room (approximately 50, including about 25 members of the Board and the staff of the American Folklife Center). It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center (202) 287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the

Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 80-14407 Filed 5-9-80; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-37]

Calendar Year 1979 Report of Closed Meeting Activities of Advisory Committees; Availability of Reports

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, the NASA advisory committees that held closed or partially closed meetings in 1979, consistent with the policy of 5 U.S.C. 552b(c), have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at the Library of Congress, Federal Advisory Committee Desk, Washington, DC 20540, and the National Aeronautics and Space Administration, Headquarters Information Center, Washington, DC 20546. The names of the committees are:

NASA Advisory Council (NAC)
NAC Historical Advisory Committee
NAC Space & Terrestrial Applications Advisory Committee
NASA Wage Committee
Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee
Space Science Steering Committee, Physical Science Spacelab and LDEF Ad Hoc Advisory Subcommittee
Space Science Steering Committee, Venus Orbiting Imaging Radar, Ad Hoc Advisory Subcommittee

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 5, 1980.

[FR Doc. 80-14415 Filed 5-9-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice 80-38]

NASA Wage Committee; Renewal

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Committee Management Secretariat, General Services Administration, NASA has determined that the Renewal of the NASA Wage Committee is in the public interest in connection with the performance of duties imposed upon NASA by law. The function of this Committee is to provide recommendations to NASA relating to a survey of wages and the establishment of wage schedules for trades and labor employees in the Cleveland, Ohio, Wage Area. NASA has been designated as the "lead agency" for that area under Federal Personnel Manual Supplement 532-1.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 5, 1980.

[FR Doc. 80-14414 Filed 5-9-80; 8:45 am]

BILLING CODE 7510-01-M

FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

May 5, 1980.

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1. Date: June 5 and 6, 1980, time: 9:00 a.m. to 5:30 p.m., room: 1134.
Purpose: To review applications in the State, Local and Regional Studies that have been submitted to the General Research Program of the National Endowment for the Humanities, for projects beginning after September 1, 1980.
2. Date: June 5 and 6, 1980, time: 9:00 a.m. to 5:30 p.m., room: 1023.
Purpose: To review Pilot Grant applications submitted to the National Endowment for the Humanities for projects beginning after October 1, 1980.
3. Date: June 12, 13, and 16, time: 9:00 a.m. to 5:30 p.m., room: 807.
Purpose: To review Elementary and Secondary Projects applications submitted to the National Endowment for the Humanities for projects beginning September 1, 1980.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 80-14448 Filed 5-9-80; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Privacy Act of 1974; Amendment of System of Records

Notice is hereby given of an amendment to NSF System of Records No. 6 entitled "Doctorate Records File," as published in the **Federal Register** Volume 43, No. 175, page 40082 on September 8, 1978. Changes are being made to declare a new routine use and to list the system as jointly owned by the National Science Foundation, the Department of Education, the National Endowment for the Humanities, and the National Institutes of Health, with the National Science Foundation being the controlling agency. Interested persons are invited to submit written data, views or arguments to the Director, National Science Foundation, Attn: General Counsel, Washington, D.C. 20550 on or before June 11, 1980.

NSF-6

SYSTEM NAME:

Doctorate Records File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Academy of Sciences, 2101 Constitution Avenue, NW, Washington, D. C. 20418; National Science Foundation, 1800 G. Street. NW, Washington, D.C. 20550; Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202; National

Endowment for the Humanities, 806 Fifteenth Street, NW, Washington, D. C. 20506 and National Institutes of Health, Buildings 31 and 12, 9000 Rockville Pike, Bethesda, Md., 20014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Approximately 99 percent of those individuals who have received earned doctorates from U. S. institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security number, education history, post grad plans, sex, citizenship, race, and related items.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information is given to the institution awarding degree, but only for its own doctorates. 2. All information collected after June 30, 1980, is given to the Department of Education, the National Endowment for the Humanities, and the National Institutes of Health. 3. Certain information (name, year, and field of degree) is given to the institution that awarded degrees and to other organizations for address searches and statisticial studies. No other routine users have been identified although data is given to other organizations without identifying particulars for statistical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes and questionnaires are kept by the National Academy of Sciences, National Science Foundation, Department of Education, National Endowment for the Humanities and the National Institutes of Health.

RETRIEVABILITY:

Alphabetically by last name of individual.

SAFEGUARDS:

Data are kept in secured areas with access limited to authorized personnel. Questionnaires are kept in locked cabinets. Published findings will be in formats which preclude individual identification.

RETENTION AND DISPOSAL:

Destroyed after 75 years.

SYSTEM MANAGERS AND ADDRESS:

Division Director, Science Resources Studies, National Science Foundation.

NOTIFICATION PROCEDURE:

Write to the system manager and provide the following information:

1. System Name: Doctorate Records File.

2. Complete name at time degree was awarded.

3. Complete birth date and institution awarding degree (to distinguish among duplicate names, if necessary).

RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Information obtained from individual.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: May 2, 1980.

Richard C. Atkinson,

Director.

[FR Doc. 80-14565 Filed 5-9-80; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF MANAGEMENT AND BUDGET

President's Commission for a National Agenda for the Eighties; Meeting

April 30, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel III (Science and Technology) of the President's Commission for a National Agenda for the Eighties, scheduled May 19, 1980, from 1:00 thru 4:30 p.m. at the New Executive Office Building, Room 2010, in Washington, DC.

The purpose of the meeting is for a roundtable discussion on the impact of technology on Society

Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, DC 20006, (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-14495 Filed 5-9-80; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

May 1, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given for a meeting of Panel I (Energy, Natural Resources & Environment) of the President's Commission for a National Agenda for the Eighties, scheduled May 20th, 1980, from 9:30 a.m. to 12:30 p.m. at the New Executive Office Building, Room 10103, in Washington, DC.

The purpose of the meeting is to discuss the work plan for the report of the Panel on Energy, Natural Resources and Environment.

Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, DC 20006, (202) 275-0616.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80-14494 Filed 5-9-80; 8:45 am]

BILLING CODE 3110-01-M

Agency Forms Under Review

May 7, 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 U.S.C., 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, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447–6201

New Forms

Economics, Statistics, and Cooperatives Service
Study of the attitudes and experiences of farm women with USDA programs
Single time
Selected females and males from sample of farm oper., 3,840 responses; 1,813 hours
Charles A. Ellett, 395–7340

Farmer's Home Administration
7 CFR 1933I, self-help technical assistance grants on occasion
Public and private nonprofit corporation; 690 responses; 1,265 hours
Charles A. Ellett 395–7340

Extensions

Food and Nutrition Service
Certificate of destruction of food coupons
FNS–136
On occasion
State food stamp programs, 3,000 responses; 1,500 hours
Charles A. Ellett 395–7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

Economic Development Administration
Interview guide for Indian economic development evaluation
ED–446Q
Single time
Members of Indian tribes, 360 responses; 180 hours
William T. Adams 395–4814

Revisions

Bureau of the Census
General revenue sharing survey
RS–8
Annually
Local government officials, 24,000 responses; 12,000 hours
Office of Federal Statistical Policy and Standard 673–7974

RS–12C
Annually
Local government officials, 500 responses; 3,000 hours
Office of Federal Statistical Policy and Standard 673–7974

Extensions

Bureau of the Census
General revenue sharing survey (New York County clerk fees)
RS–8–L7
Annually
New York County clerks, 62 responses; 16 hours
Office of Federal Statistical Policy and Standard 673–7974

Reinstatements

Bureau of economic analysis
Industry classification questionnaire
BE–507
On occasion
U.S. persons investing aboard, 1,100 responses; 550 hours
Office of Federal Statistical Policy and Standard 673–7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245–7488

New Forms

National Institute of Education
National assessment of education progress reading/literature assessment of out-of-school seventeen-year-olds
2371–11, 66; 2371–75; 2371–76
Single time
Out-of-school 17-year-olds, 604 responses; 181 hours
Laverne V. Collins 395–6880

Office of Human Development
Annual vocational rehabilitation program/cost report
RSA–2
Annually
State VR agencies, 84 responses; 2,142 hours
Barbara F. Young 395–6880

Office of Human Development
Annual report of application 50 percent rule and allotment
Allotment limitation
HDS–APS–583
Annually
50 States and the D.C., 51 responses 102 hours
Barbara F. Young 395–6880

Reinstatements

Office of Human Development
State agency quarterly statement of financial plan, social services and training—title XX
HDS–APS–25
Quarterly
50 States and D.C. and territories, 220 responses; 220 hours
Barbara F. Young 395–6880

Office of Human Development
Social services expenditures under title XX (SSA)
HDS–APS–41 series
Quarterly

50 States, D.C., 612 responses; 6,120 hours
Barbara F. Young 395–6880

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

Extensions

U.S. Fish and Wildlife Service
Annual report live migratory bird inventory
3–302
Annually
Migratory waterfowl aviculturists, 5,000 responses; 2,500 hours
Charles A. Ellet 395–7340

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

Extensions

Employment Standards Administration
OFCCP recordkeeping and reporting requirements
CC–60–2
Other (see SF–83)
Constr. contr. minority w/force hometown spon. hand., 2,560,000 responses; 1,280,000 hours
Arnold Strasser 395–6880

ACTION

Agency Clearance Officer—James B. Lancaster—254–3172

New Forms

State Office of Voluntary Citizen Participation (S/OVCP)
Evaluation
Single time
S/OVCP director, advisory committee client organization, 1,162 responses; 393 hours
Arnold Strasser 395–6880

NATIONAL CAPITAL PLANNING COMMISSION

(Agency Clearance Officer—Malcolm L. Trevor—724–0170)

New Forms

Survey of visitory travel
Single time
Visitors to museums, parks & other Fed. tourist sites in NCR 5,000 responses 250 hours
Edward C. Springer 395–4814

TENNESSEE VALLEY AUTHORITY

(Agency Clearance Officer—Eugene E. Mynatt—854–2596)

Extensions

Prevailing wage survey for TVA maintenance and operating work
TVA 5310
Annually
Companies in vicinity engaged in comparable work 80 responses 40 hours
Charles A. Ellett 395–73400

Reinstatements

User preferences at TVA recreation areas
TVA 20027 & 20027A
Annually
Head of camping party 2,500 responses 625 hours
Charles A. Ellett 395–7340

VETERANS ADMINISTRATION

(Agency Clearance Officer—R. C. Whitt—389–2146)

New Forms

Senior executive service candidate development program[1]
(SESCDP) application form 5–3485C (test)
Annually
Individuals who wish to apply for program 200 responses 1,000 hours
Laverne V. Collins 395–6880
Automobile and adaptive equipment program evaluation
Single time
Vets. in receipt of compensation or pension 3,206 responses 802 hours
Laverne V. Collins 395–6880
Retirement benefit report letter 21–8858–2; 21–8858–4
Semi-annually
Impro. pension recip.; depend. & indem. compen. parents 160,000 responses 26,666 hours
Laverne V. Collins 395–6880

Extensions

Application for release from personal liability to the government on a home loan
26–6381
On occasion
Seller 18,000 responses 3,000 hours
Laverne V. Collins 395–6880

Reinstatements

Consumer sampling letter—VA Hospitals
FL23–652A
On occasion
Veterans 12,240 responses 1,020 hours
Laverne V. Collins 395–6880
Pension claim questionnaire for farm income
21–4165
On occasion
Veterans or dependents 31,500 responses 15,750 hours
Laverne V. Collins 395–6880

[1] This report has already been approved for use by OMB because: of urgent need as described by the agency to begin recruiting outside of VA for its Executive Development Program and the reporting burden involved appears to be minimal. Public comments will still be carefully considered, and any changes indicated will be made either immediately or in the next revision of the report (or recordkeeping requirement), as warranted.

David R. Luthold,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–14616 Filed 5–9–80; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Certain Norwegian Import Quotas; Public Hearings

On January 1, 1979 Norway imposed import quotas on knitwear, woven outerwear, and bed linens for one year pursuant to GATT Article XIX. The quotas did not apply to imports from the EC, other EFTA countries, and countries with which Norway had negotiated bilateral textile agreements. The U.S. consulted with Norway and was able to obtain additional import licenses to ease the effect of the quotas on U.S. trade. Before the end of 1979 Norway extended the quotas for 6 months and more recently has announced a second 6 month extension. The U.S. has begun consultations pursuant to Article XIX:2 of the General Agreement on Tariffs and Trade (GATT).

These consultations are aimed at resolving differences and restoring the balance of concessions. The United States requested that Norway provide appropriate concessions on products of interest to the United States. If agreement is not reached, the United States is authorized under the GATT to suspend, with respect to Norway, substantially equivalent concessions or other obligations under the GATT, the suspension of which the Contracting Parties to the GATT do not disapprove.

Under section 125 of the Trade Act of 1974 (19 U.S.C. 2135) the President is authorized whenever any foreign country or instrumentality withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation, to withdraw, suspend or modify the application of substantially equivalent trade agreement obligations of benefit to such foreign country or instrumentality and proclaim such increased duties or import restrictions as are appropriate to effect adequate compensation from such foreign country or instrumentality.

Before taking any such action to restore the balance of obligations the President is required to provide for public hearings at which time interested persons will be given a reasonable

opportunity to be present, to produce evidence and to be heard, unless he determines that prior hearings will be contrary to the national interest because of the need for expeditious action.

The Trade Policy Staff Committee (TPSC) will conduct public hearings in satisfaction of section 125 of the Trade Act of 1974 beginning at 10:00 a.m. on May 28, 1980 in Room 730, 1800 G Street, NW, Washington, DC. Actions which are under consideration to restore the balance of concessions and obligations should adequate compensation not be forthcoming and should such withdrawal be determined to be appropriate and necessary will be available from Mr. Peter Murphy, Office of the USTR, Room 712, 1800 G Street, NW, Washington, DC 20506.

Interested persons are invited to submit views on the actions under consideration and other possible actions, bearing in mind that to the maximum extent feasible it is desired to consider actions that would restore the balance of concessions between Norway and the United States within the sector affected by the subject quotas.

The hearings will be conducted in accordance with regulations codified at 15 CFR 2003.2–2003.6. Written briefs in 20 copies must be submitted no later than 12 noon, May 23, 1980 to: Carolyn Frank, Office of the United States Trade Representative, Room 735, 1800 G Street, NW, Washington, DC 20506. Written requests to present optional oral testimony at the hearings must be submitted by or before the close of business May 21, 1980. Oral testimony will be limited to a summary of the written submission.

Ann Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 80–14722 Filed 5–9–80; 10:59 am]

BILLING CODE 3190–01–M

POSTAL SERVICE

Lease Amendment Procedures—Assumption of Taxes, Maintenance and Utilities by the Postal Service; Availability of Detailed Procedures

AGENCY: Postal Service.

ACTION: Notice of Availability of Detailed Lease Amendment Procedures and Invitation for Comments.

SUMMARY: The impact of inflation on long-term, fixed-rent Postal Service leases has caused severe hardships for many lessors in the form of increased costs of maintenance, utilities, and property taxes. A special task force of Postal Service personnel was appointed to study the problem and to prepare a list of recommendations for providing equitable relief to Postal Service lessors. Based upon the task force study, Postal Service management has determined to initiate and implement certain lease amendment procedures briefly described in the Supplementary Information.

EFFECTIVE DATE: May 12, 1980.

ADDRESS: Interested parties may obtain copies of the detailed lease amendment procedures from and submit comments to the Director, Office of Real Estate, Real Estate and Buildings Department, U.S. Postal Service, Room 8606, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: David L. Warner, (202) 245–4376.

SUPPLEMENTARY INFORMATION: Upon request by a lessor the Postal Service will offer to amend each lease to assume responsibility for nonstructural maintenance payment of utilities, and payment of property taxes in consideration of a reduction in the rent in accordance with an equitable formula. As an additional consideration, the lessor will be required to grant the Postal Service an option to purchase the facility at any time during the remainder of the lease plus any renewal options that are exercised. However, the requirement to grant an option to purchase may be waived if the Postal Service occupies less than an entire building, or if the condition of ownership does not permit sale to the Postal Service, or if for other reasons waiver is deemed to be in the interest of the Postal Service. Additionally, the Postal Service will consider the offer of any lessor to sell his or her facility immediately instead of modifying the lease terms. Any such offer will be accepted if in the best interest of the Postal Service.

In order to qualify for this program, the property must have been leased to the Postal Service prior to July 1, 1975, and the lease must extend beyond October 1, 1980. All lessors qualifying for this program will be notified by letter. The effective date for any contracts so amended will be October 1, 1980, if requests for amendment are received by that date. Leases will thereafter be amended upon request of qualifying lessors until June 30, 1981, at which time this program will cease.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service ordinarily invites comments from the public whenever it proposes an amendment of procedures such as this which might affect a certain segment of the public. In this case, however, publishing these procedures as a proposal with a comment period of 30 days would delay providing equitable relief to lessors, some of whom have experienced severe hardship.

Accordingly, the Postal Service finds it unnecessary and contrary to the public interest to follow its customary practice of publishing these procedures as a proposal before they become effective. As noted above, copies of the detailed lease amendment procedures are being made available and any comments on them are welcome and will be considered and acted upon as appropriate.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 80–14418 Filed 5–9–80; 8:45 am]

BILLING CODE 7710–12–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–80–13]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 12, 1980.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

(This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11))

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

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
20283	Altair Airlines, Inc	14 CFR § 121.163	To permit petitioner to operate its Fokker F-28 Mark 4000 aircraft in scheduled air service without first conducting 100 hours of proving tests.
20313	Bell Helicopter Textron	14 CFR §§ 29.1323 (c)(1) and (c)(2).	To permit petitioner to use an airspeed indicating system for which the airspeed error does not meet the maximum accuracy limit.
20315	Rocky Mountain Helicopters	CAR § 6.18 and 14 CFR § 37.136.	To allow use of a special aft facing seat with seat back less than the required 36.5-inch height.
20319	Mercy Flights, Inc	14 CFR § 135.19(c)	To allow Petitioner to make deviation reports instead of requiring the indivitual pilots to make the reports.
30321	Capt. Vernon W. Lowell	14 CFR § 121.383(c)	To permit petitioner to serve as a pilot under Part 121 operations after he has reached his 60th birthday.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
17661	Air Transport Association of America	14 CFR Part 121, Appendix E	Extension of Exemption No. 2536 beyond the current expiration date of April 30, 1980. The exemption provides relief from certain provision of Appendix E to Part 121 to permit initial upgrade and transition training in night landings to be accomplished in a visual simulator approved for the landing maneuver. *Granted 4/29/80.*
18920	Transamerica Airlines, Inc., and World Airways, Inc.	14 CFR §§ 121.105	Amendment to Exemption No. 2947 to delete references to specific CAB order numbers authorizing routes. The references were incomplete and, in part, outdated. Therefore, the relief provided did not cover all authorized routes. *Granted 4/24/80.*
19602	U.S. Air Force	14 CFR § 105.33	To perform parachute jumps after sunset (25 minutes after sunset) using day rules. The petitioner submitted the following rationale for the exemption: a. Safety has been and would continue to be paramount. b. Excellent prpcedures are in effect to control all aspects of the jump operations. c. Air Traffic control procedures used by Colorado Springs Approach Control, the Academy Tower, the jump aircraft, and the Drop Zone provide extensive coverage. d. Proposed exemption procedures have been used for the past ten years without incident. *Withdrawn 4/16/80.*
19750	Columbia Helicopters, Inc	14 CFR § 127.127	To allow the operation of a large helicopter without a cockpit voice recorder. *Withdrawn 4/16/80.*
20018	South Pacific Island Airways, Inc	14 CFR § 135.173	To allow petitioner's aircraft to be operated without approved thunderstorm detection equipment installed. South Pacific Island Airways is authorized day/night and VFR/IFR passenger carrying and cargo operations. *Denied 4/25/80.*
20044	Air Transport Association of America	14 CFR § 121.437(b)	To allow the operation of aircraft by pilots that do not have an appropriate category and class rating for the aircraft being utilized. This new requirement will be effective July 1, 1980. *Granted 4/23/80.*
20045	Mr. John Nicolicchia	14 CFR § 61.155	To permit petitioner to take the airline transport pilot written examination without meeting the prerequisite qualifications. *Denied 4/28/80.*
20090	Sierra Academy of Aeronautics	14 CFR § 61.63(d)	To allow trainees enrolled in their flight school to accomplish portions of the required flight test in a aircraft simulator. *Granted 4/22/80.*
20255	Bradford S. Lindley	14 CFR 91.39 (a) and (c)	To permit use of a restricted category airplane, a Grumman G-164A, for a special photography/parachute jump operation. *Granted 4/24/80.*
20257	Air Berlin Charter Co	14 CFR § 121.291(a)	To allow inauguration of B-737 aircraft charter and scheduled operations without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 4/22/80.*
20287	Metroflight, Inc., d.b.a. Metro Airlines	14 CFR § 135.25(a)(1)	To permit petitioner to operate two Shorts SD3-30 aircraft under foreign ownership and/or registry. *Granted 4/23/80.*
20294	Mr. J. T. Polverino, Pilot, Piedmont Airlines	14 CFR §§ 61.39(a)(1)	To allow Mr. Polverino to take the flight test for an airline transport pilot certificate (ATPC) notwithstanding the fact that he has not passed the required written test for that certificate within the previous 24 months and has not been continuously employed by Piedmont since passing the ATPC written test. *Granted 4/25/80.*

[FR Doc. 80-14292 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statements; Notice of Intent

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FWA) is issuing this notice to advise the public that environmental impact statements (EIS's) will be prepared for proposed highway projects in the following States: Alaska, Florida, Georgia, Indiana, Kentucky, Michigan, Minnesota, Nebraska, Ohio, Oregon, Pennsylvania, Tennessee, and Washington.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the National Evnironmental Policy Act of

1969, as amended, the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500–1508), and the Department of Transportation's procedures for considering environmental impacts (DOT Order 5610.1C), the FHWA hereby gives notice that EIS's will be prepared for the following proposed Federal-aid highway projects:

Anchorage, Alaska

The FHWA in cooperation with the Alaska Department of Transportation and Public Facilities intends to prepare an EIS for a proposed highway construction project in Anchorage, Alaska. The proposal would involve the reconstruction of "A" Street with minor adjustments on "C" Street to form an "A"–"C" couplet. The improvement would extend from 6th Avenue to 36th Avenue, a distance of approximately 2 miles.

The proposed improvement would provide increased driving safety and traffic capacity to the central business district and the developing business district south of Chester Creek. The project would also serve to maintain and improve existing air quality and to improve the operating efficiency of both regular and express bus service to the central business district.

Extensive studies in the past have uncovered no viable alternatives to the proposed location due to the difficulty in providing north/south surface corridors across the east/west orientation of the Chester Creek Greenbelt. The Chester Creek vicinity is the most sensitive area of the project because it involves not only Chester Creek Greenbelt Park, but also several units of multiple family housing.

Design alternatives under consideration include a highbridge full length over Chester Creek Valley, a surface crossing of the valley, and a partial use of both. A no-build alternative will also be analyzed.

The proposal has had an extensive history of coordination with the public, city officials, and State and Federal agencies. There has been specific study of the route and general study of the metropolitan transportation situation. An interagency project development team is currently in operation to provide further coordination in the development of the EIS. No formal scoping meetings are planned at this time.

To assure that the full range of issues is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Gene A. Hanna, Division Administrator, FHWA, Post Office Box 1648, Juneau, Alaska 99802, Telephone (907) 586–7418; or Mr. Rowe D. Redich, Regional Highway Engineering Chief, Alaska Department of Transportation and Public Facilities, Pouch 6900, Anchorage, Alaska 99502.

Pinellas County, Fla.

The FHWA in cooperation with the Florida Department of Transportation intends to prepare an EIS for a proposed highway construction project in Pinellas County, Fla.

The proosed project involves a 24-mile segment of U.S. Highway 19 (U.S. 19) from Gandy Boulevard (State Route 694) to the Pinellas/Pasco County line in Pinellas County. The existing four-lane divided highway would be upgraded to a six-lane divided facility. This action would provide safe and efficient access and travel in the U.S. 19 corridor.

Several alternatives to the proposed project are under consideration including widening the existing pavement, improving the intersections, constructing five interchanges, constructing a parallel facility in another corridor, and using mass transit to supplement the existing facility. A no-build alternative is also being considered.

Early notification in compliance with OMB Circular A–95 initiated coordination of this project with other State and Federal agencies. Evaluation of these agency responses revealed no critical issues. This constituted the scoping process and no formal scoping meetings are anticipated.

Comments and questions are invited from interested persons as well as from Federal, State, and local agencies, and should be directed to: Mr. Henry H. Rentz, District Engineer, FHWA Division Office, Post Office Box 1079, Tallahassee, Fla. 32302, Telephone (904) 224–8111.

Fulton County, Ga.

The FHWA in cooperation with the Georgia Department of Transportation intends to prepare an EIS for a proposed highway construction project to widen and upgrade Interstate 75 (I–75) and Interstate 85 (I–85) in the city of Atlanta, Ga. The proposed project would begin in downtown Atlanta and extend south to Cleveland Avenue on I–75 and I–85 for a distance of 8.5 miles.

Interstate 75 and I–85 merge as they enter downtown Atlanta and traverse the downtown area on a common alignment. As a result, this roadway has become a major artery for north/south travel through and for commuter travel in Atlanta. The actual usage of this facility exceeds its current capacity. The proposed construction would permit the roadway to accommodate predicted usage levels as well as relieve current peak hour congestion.

The existing facility is a limited access roadway with eight traffic lanes, four in each direction. The proposed project would widen this to five lanes in each direction plus auxiliary lanes between interchanges. One lane in each direction would be designated for use by high-occupancy vehicles during peak hours. Interchanges and bridges would also be reconstructed to meet current Interstate standards. One alternative location for the proposed project and several design concept alternatives will be considered. A no-build alternative will also be considered.

Preliminary coordination letters announcing the proposal and requesting comments have been sent to Federal, State, and local agencies. Scoping meetings have been held in the areas where the proposed project's impact would be the greatest. Although no additional formal scoping meetings are planned, a public hearing will be scheduled after the draft EIS is prepared.

Based on information collected and comments received, the following issues related to the proposed action have been identified and will be addressed in the EIS: (1) Relocation of residents and businesses; (2) impact on historical areas; (3) air quality; (4) noise impacts; and (5) economic impacts.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Herschel Bryant, Division Administrator, FHWA, Suite 700, 1422 W. Peachtree Street, NE., Atlanta, Ga. 30309, Telephone (404) 881–4751.

Marion County, Ind.

The FHWA in cooperation with the Indiana State Highway Commission

intends to prepare a draft EIS for a proposed highway construction project in Marion County, Ind. The proposed project would develop a corridor of Interstate 65 (I–65) between Interstate 69 and the existing interchange of Interstate 70 and I–65 in downtown Indianapolis, Ind.

Four alternative alignments and a no-build alternative are under consideration. Each of the alternative alignments is approximately 9 miles long and is divided into two sections. The northern 5 miles would follow State Route 37, an existing four-lane expressway. The southern 4 miles would be constructed on a new alignment following closely on either side of an existing Norfolk and Western Railroad corridor. These alignments would traverse a densely populated minority neighborhood. Nearly all of the 150 acres that would have to be acquired to build the proposed project are located in this southern section.

Environmental impacts resulting from this proposed action would include a crossing of Fall Creek which would also affect 4(f) parkland adjacent to the creek. In view of the age of the neighborhood through which the project would traverse, there might be historical involvement. There would also be social and economic impacts. Between 500 and 1,000 residential units would be required depending on the alternative chosen. The number of commercial/industrial properties in the affected area would range between 30 and 110.

Early coordination for the draft EIS has been with the U.S. Departments of Interior, Agriculture, and Housing and Urban Development, the Federal Aviation Administration, the Indianapolis Department of Metropolitan Development, and various State and local agencies. The general public has been involved in the development of this project through two citizen advisory committees, one for the northern section and one for the southern section. A series of public information meetings are also being held. No formal scoping meetings will be held.

To ensure that the full range of issues related to this proposed project is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. John W. Breitwieser, FHWA, 575 North Pennsylvania Street, Room 254, Indianapolis, Ind. 46204, Telephone (317) 269–7481.

Kosciusko County, Ind.

The FHWA in cooperation with the Indiana State Highway Commission and the City of Warsaw, Ind., intends to prepare a draft EIS for a proposed highway construction project in Kosciusko County, Ind. The proposed project would provide a railroad grade separation of the North-South Conrail tracks on the eastern edge of Warsaw's central business district.

Because of topographic factors and the project's proximity to the downtown area, design alternatives using an overpass have been discarded. Four alternate locations varying between 860 and 1,500 feet will be examined for feasibility. Other alternatives include a two-lane underpass, with two one-lane frontage roads to provide access to resident and other establishments along the street; a four-lane underpass; and a two-lane underpass. A no-build alternative will also be considered.

Several environmental impacts would result from the proposed project. One alternative would require the relocation of 11 homes and two businesses. Two alternatives would severely limit accessibility which would have an economic impact on some businesses. All of the alternatives would have water table impacts since each would involve construction below the water table. Three of the alternatives would require no new right-of-way, while one would require acquisition of approximately 5 acres for new permanent right-of-way. All of the alternatives would provide better accessibility to hospital care, and improve police protection, fire protection, and the control of traffic congestion, due to a reduction of rail conflicts.

Early coordination for this draft EIS has been with the U.S. Departments of Agriculture and Interior (Fish and Wildlife Service), Conrail Corporation, and various State and local agencies. The general public has been involved in the development of this project through a public information meeting. No formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. John W. Breitwieser, FHWA, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone (317) 269–7481.

Cities of Portsmouth, Ohio, and South Shore, Kentucky

The FHWA in cooperation with the Kentucky and Ohio Departments of Transportation intends to prepare an EIS for a proposed highway project to construct a new bridge and approaches over the Ohio River near Portsmouth, Ohio, and South Shore, Kentucky.

Two construction alternatives for the proposed project are under consideration, along with the no-build alternative. One provides for a new structure upstream, adjacent to the existing U.S. Grant Bridge. This alternative would tie in with the existing street system in Portsmouth, Ohio, and U.S. 23 on the Kentucky side. The proposed structure under this alternative would operate one-way northbound (to Ohio) while the existing U.S. Grant Bridge would operate one-way southbound (to Kentucky). The second alternative would be to build a new structure west, and 1.1 miles downstream from the existing U.S. Grant Bridge. This structure would accommodate two-way traffic and tie into the U.S. 52—Ohio 73/104 interchange in Ohio and Kentucky 10 on the Kentucky side.

Scoping meetings, public meetings, and an Interdisciplinary Team meeting have been held for this project. A Task Force of representatives from Federal, State, and local agencies and officials has been formed to expedite this project. This project has also been coordinated with various Federal, State, and local agencies and officials and private organizations and parties that might be affected by or have an interest in the project. Informational memoranda concerning project development have been distributed periodically to the Task Force members and 55 other interested persons. No further scoping meetings are planned at this time.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, suggestions are invited from all interested parties. Comments or questions should be directed to: Mr. Robert E. Johnson, Division Administrator, FHWA, P.O. Box 536, Frankfort, Kentucky 40602, Telephone: (502) 227–7321.

Washtenaw County, Michigan

The FHWA in cooperation with the Michigan Department of Transportation intends to prepare a draft EIS for a proposed highway project in Washtenaw County. The project would reconstruct the Interstate 94 (I–94)/ Wiard Road interchange in Ypsilanti Township, and widen 1.5 miles of I–94 in

association with the interchange. The reconstruction of the interchange would correct an inadequate curve. Widening I–94 would increase the safety and capacity of the facility.

Several alternative means of improving the Wiard Road interchange are being considered including a low-capital-cost partial interchange and replacing the present partial interchange with a full-service one. More alternative means of widening I-94 are being considered. A no-build alternative for both aspects of the proposed project is also under consideration.

The widening of I–94 is not expected to have any significant environmental consequences. The alternative designs for improving the Wiard Road interchange will have varying impacts on the surrounding residential neighborhoods. These impacts include the removal of up to 56 homes and two businesses, and the imposition of highway noise on some homes not presently affected. Noise walls may intrude visually on the neighborhood. Converting the interchange to full service will change local traffic patterns slightly. No impacts on schools, parklands, or the natural environment are anticipated.

Environmental impacts along with comments obtained from State and Federal agencies on their areas of responsibility and the scope of project impacts have been assessed. Accordingly, no formal scoping meeting will be held. To assure that the full range of issues is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should contact: Mr. Thomas A. Fort, District Engineer, FHWA, P.O. Box 10147, Lansing, Michigan 48901, Telephone: (517) 377–1862; or Mr. Jack E. Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing Michigan 48909, Telephone: (517) 373–2166.

Minneapolis, Minnesota

The FHWA in cooperation with the Minnesota Department of Transportation (MN/DOT) intends to prepare a draft EIS for a proposed highway construction project that would upgrade approximately 5 miles of Minnesota Trunk Highway 55 (Hiawatha Avenue) between Franklin Avenue and 59th Street South in Minneapolis, Minnesota.

The proposed upgrading would include a variety of roadway and transit alternatives. The effects of these alternatives within the project boundaries will be evaluated in terms of their responsiveness to roadway, transit, socio-economic, and environmental needs, and the needs, concerns, objectives and policies of all effected residents, businesses, institutions, and agencies. The roadway alternatives include upgrading the corridor to a freeway facility. The transit alternatives include the construction of a Light Rail Transit or an Automated Guideway Transit System. A no-build alternative for both roadway and transit construction will be considered.

Major consideration will be given to design and operational elements at the two termini of the proposed project. At the Franklin Avenue terminus on the north end of the corridor, detailed studies will be made of the needs and appropriate solutions for connections to the Minneapolis central business district and the Interstate 94/Interstate 35W facility. At the 59th Street South terminus at the south end of the proposed project, the needs and appropriate solutions for connections to the airport, U.S. Government facilities and major transportation facilities such as Trunk Highway 5 and County Secondary Aid Highway 62 will be addressed.

Two committees have been formed to ensure that residents of the area and various local, State, and Federal agencies participate in the decisionmaking process. The first, the Hiawatha Avenue Task Force, will assure that citizen, labor, and industry input is an integral part of the process. The second is a technical committee comprised of staff members from the City, State, and Federal agencies that may have to approve all or part of this proposed project. The purposes of this committee are to identify early concerns of all the agencies involved and to assure that incremental decisions are made consistent with the policies of the involved agencies.

Initial coordination meetings have been held during December 1979 and January 1980. Notice of date, time, and location of any additional meetings will be published in local newspapers, included in public service announcements on radio stations, and made by mail. In addition, on November 21, 1979, a letter was sent to local, State, and Federal agencies that may have an interest in the project to inform them of the proposed project and to solicit their comments and concerns. Additional comments on the scope of the project or request for meetings should be received by MN/DOT at the address below on or before June 12, 1980.

Comments and concerns relative to this proposed action should be directed to: Mr. Frederick A. Behrens, District Engineer, Suite 490, Metro Square Building, St. Paul, Minnesota 55101, Telephone (612) 725–5956; or Mr. Robert J. Morast, MN/DOT, Project Manager, Transportation development Services, 5901 Duluth Street, Golden Valley, Minnesota 55422, Telephone: (612) 545–3761.

Hennepin and Anoka Counties, Minnesota

The FHWA in cooperation with the Minnesota Department of Transportation intends to prepare an EIS for a proposed highway construction project in Hennepin and Anoka Counties, Minnesota. The proposed project would consist of the construction of Trunk Highway (TH) 610 (The North Crosstown) and the construction and reconstruction of the TH 252 corridor (old TH 169) in the northwestern sector of the Minneapolis-St. Paul area. Lengths of the TH 610 and TH 252 corridors would be 12 miles and 4 miles, respectively.

Trunk Highway 610 would be an east/west freeway running between Interstate 94 (I–94) in Maple Gove on the west and TH 10/47 in Coon Rapids on the east. Its alignment would be roughly parallel to and 4 miles north of I–694/84, an existing facility. This proposal would include new construction on new right-of-way and a new crossing of the Mississippi River. This proposed freeway would provide significant regional relief to the I–694 river crossing and benefit the communities adjacent to the facility by providing a new river crossing.

Several alternatives for the proposed project are under consideration including several alignment alternatives across the Mississippi River. Two alternatives for tying into the existing roadway network will also be analyzed. A no-build alternative will also be considered.

The proposed project would also provide for the construction and reconstruction of TH 252, which is a north/south, two-lane, at-grade facility running parallel to the Mississippi River between I–694 in Brooklyn Center and TH 52 in Champlin. Currently this stretch of road is experiencing capacity and safety problems.

The proposal would upgrade a segment of TH 252 between I–694 and new TH 610 to a four-to-six lane, at-grade arterial. The proposal includes both new construction on new right-of-way and reconstruction on expanded right-of-way. This improvement would reduce the safety and capacity problems

in this section of roadway and would provide a necessary connection between TH 610 and destinations to the south.

Alternatives that will be considered for the TH 252 proposal include relocating the roadway and upgrading the roadway on its existing alignment. A no-build alternative will also be analyzed.

No formal scoping meeting is planned at this time. Extensive coordination, including the preparation, distribution and discussion of a report entitled "First Level Evaluation of Alternatives," February 1979, is continuing with Federal and State agencies, counties, cities, the Metropolitan Council, and the public.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Frederick A. Behrens, District Engineer, FHWA, Metro Square Building, St. Paul, Minnesota 55101, Telephone: (612) 725–5956; or Mr. Charles Hudrlik, Project Manager, Minnesota Department of Transportation, 5801 Dublin Street, Golden Valley, Minnesota 55422, Telephone: (612) 545–3761, Extension 175.

Douglas and Sarpy Counties, Nebraska

The FHWA in cooperation with the Nebraska Department of Roads intends to prepare an EIS for a proposed highway project that would improve a 5 mile section of 72nd Street from L Street to Highway N–370 in Douglas and Sarpy Counties, Nebraska. The proposed project would upgrade that section of 72nd Street to a four-lane facility. A 4(f) involvement is anticipated along Seymour Smith Park.

The proposed project would benefit the community by increasing traffic capacity, providing better access to a developing area, and improving railroad grade crossings, existing railroad grade separations, and street intersections.

Alternatives for the proposed project include upgrading the current facility to current design standards, upgrading the current facility to lower design standards, and shifting the alignment along Seymour Smith Park. A no-build alternative will also be considered.

Early coordination through correspondence has been attained with the public and local, State and Federal agencies. A formal scoping meeting will not be held.

Comments and questions are invited from interested persons as well as form Federal, State, and local agencies, and should be directed to: Mr. Walter Running, FHWA, Federal Building, Room 487, 100 Centennial Mall North, Lincoln, Nebraska 68508, Telephone: (402) 471–5527.

Portland, Oregon

The FHWA in cooperation with the Oregon Department of Transportation intends to prepare an EIS for a proposed highway construction project in Portland, Oregon. The proposed project would upgrade a 3.1 mile section of Interstate 80N (I–80N) in a suburban area approximately 8 miles north of downtown Portland.

Several alternatives for this proposed project are under consideration. These include widening the section of I–80N to six lanes, making the 181st Avenue interchange a full interchange, and rebuilding structures and the 122nd Avenue interchange. Several design options will also be considered. The no-build alternative will be considered, along with any other feasible alternatives that may develop during the study stage.

The proposed project has been under study for many years. Recently Federal, State, local agencies, and the local community have intensified their involvement in environmental studies. This process is expected to continue. A formal scoping meeting does not appear necessary for this project at this time.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Paul V. Riedl, Environmental Coordinator, FHWA, The Equitable Center, Suite 100, 530 Center Street, NE., Salem, Oregon 97301, Telephone: (503) 378–3832.

Lackawanna County, Pennsylvania

The FHWA in cooperaton with the Pennsylvania Department of Transportation, the County of Lackawanna, and the Greater Scranton Chamber of Commerce, intends to prepare an EIS for a proposed highway construction project. The proposed project would provide a two-lane access road between an existing interchange on Interstate 81 (I–81) south of Scranton (Davis Street) and Montage, a proposed multi-purpose recreational center. Funding for the proposed 2-mile project has been approved by the Appalachian Regional Development Commission as an integral part of the recreation project that is intended to stimulate a depressed local economy and provide major recreational facilities.

Due to the fixed nature of the termini, the relatively short length of the access road, and the absence of any development in the area, all design alternatives would yield similar impacts, while providing similar highway service. Accordingly, a single build alternative and a no-build alternative are under consideration.

The EIS will address the direct impacts of the access road, as well as the potential indirect impacts resulting from the total recreational development project based on the information available. Although there have been no requests for other Federal funding for the proposed recreation project, it is anticipated that other, more extensive federally funded projects will follow.

No formal scoping meetings are planned at this time. Early coordination with State and Federal agencies involved in the proposed project has been initiated and continues. The Pennsylvania Public Utility Commission held formal, detailed hearings, regarding the transfer of Pennsylvania Gas and Water Company lands to Lackawanna County for the Montage project, that have provided a high degree of community awareness and involvement. This land transfer is necessary to validate the Appalachian Regional Development Commission's grant. A public hearing will be held to present the findings of the EIS and receive public testimony on the access road proposal.

Comments and questions are invited from interested persons as well as from Federal, State, and local agencies, and should be directed to: Mr. John R. Krause, FHWA, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782–2276.

Roane County, Tennessee

The FHWA in cooperation with the Tennessee Department of Transportation intends to prepare an EIS for a proposed highway construction project in Roane County, Tennessee. The project would result in the construction of a bypass east of the principal arterial route, State Route (S.R.) 61 and portions of S.R. 29, in Harriman, Tennessee.

A typical cross-section of the proposed bypass would consist of two 24-foot traffic lanes, a 40-foot median, two 12-foot outside shoulders, and 18-foot ditches as required on a minimum 250-foot right-of-way.

The proposed project would upgrade the traffic and service characteristics of the existing routes and provide design characteristics consistent with their classifications in the statewide highway system. The bypass would also relieve

congestion in Harriman's central business district.

Several alternatives to the proposed construction are under consideration. These include improving the existing roadway, delaying construction, and constructing a new facility along one of four alternative "build" alignments. These four alignments begin at the northern limits of the Interstate 40-Midtown Interchange and run in a northerly direction to intersect with S.R. 29. The length of these projects varies between 3.90 and 6.05 miles depending on the alternative. A no-build alternative will also be analyzed.

The proposed project has been the subject of considerable public discussion. On May 21, 1979, 200 residents attended a public meeting to discuss the relocation of the bypass and to provide input into the planning of the facility. Various Federal, State, and local agencies have been contacted about the proposed project and have provided information regarding the scope of the EIS. No formal scoping meeting is planned.

Comments and questions are invited from interested persons as well as from Federal, State, and local agencies, and should be directed to: Mr. Edward G. Oakley, Division Administrator, FHWA, Federal Building, U.S. Courthouse, 801 Broadway, Room A–926, Nashville, Tennessee 37203, Telephone: (615) 251–5394.

Rutherford and Cannon Counties, Tennessee

The FHWA in cooperation with the Tennessee Department of Transportation intends to prepare an EIS for a proposed highway project to construct an east/west major arterial route along the corridor of State Route (S.R.) 1 in Rutherford and Cannon Counties, Tennessee. The proposed route would extend from the existing four-lane section in Murfreesboro eastward to S.R. 145 in Woodbury. The total length of the proposed project would be 16.7 miles. The project would upgrade the safety and traffic service characteristics of the existing highway and provide a design consistent with its classification as a major artery in the State highway system. This project would also relieve present and future traffic congestion along the existing route.

Several alternatives to the proposed project are under consideration including providing public transportation, providing a lower level of service by a reduced facility design, and postponing the project. Construction of a new facility along one of several alternative "build" alignments is also under consideration. Five alternative alignments are being considered on the western end of the project area near Murfreesboro with four alternative alignments proposed for the eastern end of the project area near Woodbury. One of these proposed alignments would closely track the existing roadway. The remaining alternative alignments would be located to the south of and parallel to S.R. 1. A no-build alternative will also be considered.

A typical cross section of the proposed bypass would consist of four 12-foot traffic lanes, two in each direction separated by a 48-foot median, on a minimum 250-foot right-of-way. The cross section of portions of the alternative alignment that would closely track the existing roadway would differ from the typical pattern described above. Sections at both ends of that project and in the middle, near Kittrell School, would consist of five 12-foot traffic lanes (four through lanes and one continuous left turn lane) with curb, gutter and 5-foot sidewalks. The right-of-way at the ends and middle of the project would be 84 feet and 104 feet, respectively.

The proposed project has been discussed at several public meetings in the affected community. The first was held on March 7, 1978, in Murfreesboro. The second was held on April 4, 1978, in Woodbury. Questions and comments from these meetings have provided input into the planning of the facility. Various Federal, State, and local agencies have been contacted about the proposed project and have provided input regarding the scope of the EIS. No additional scoping meetings are planned.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Edward G. Oakley, Division Administrator, FHWA, Federal Building, U.S. Courthouse, 801 Broadway, Room A–926, Nashville, Tennessee 37203, Telephone: (615) 251–5394.

Jefferson County, Tennessee

The FHWA in cooperation with the Tennessee Department of Transportation intends to prepare an EIS on a proposal to construct a minor arterial route along the corridor of State Route 92 in Jefferson County. The proposed route would extend from Dumplin Valley Road, approximately 2 miles north of Interstate 40, northward to the Southern Railway crossing north of Jefferson City. The total length of the project is approximately 7.2 miles. The purpose of the proposed action is to upgrade the safety and traffic service characteristics of the existing narrow, curvy highway and to provide a design consistent with its classification as a minor arterial in the statewide highway system, a major arterial in the county road network, and an arterial in the street system of Jefferson City.

Substantive alternatives being considered for the project include constructing a new facility along one of three alternative "build" alignments. One of the build alignments would generally follow the existing highway for most of its length and would be constructed as a four-lane, divided facility in rural areas and a five-lane, undivided facility in urban areas. Either of the other two build alignments would be mostly on a new location and would be built entirely as a four-lane divided facility. A no-build alternative is also under consideration.

The proposed project has been discussed at several public meetings in the affected community, the latest of which was held on January 2, 1979. Various Federal, State, and local agencies also have been contacted about the proposed action and have provided input regarding the scope of the EIS. No additional scoping meetings are planned.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Edward G. Oakley, Division Administrator, FHWA, Federal Building, U.S. Courthouse, 801 Broadway, Room A–926, Nashville, Tennessee 37203, Telephone: (615) 251–5394.

Tipton and Lauderdale Counties Tennessee

The FHWA in cooperation with the Tennessee Department of Transportation intends to prepare an EIS on a proposal to construct a portion of the Great River Road in Tipton and Lauderdale Counties. The proposed route would extend from State Route 59 in the town of Gilt Edge to State Route 87 in the community of Cherry. The total length of the project is approximately 12.5 miles. The purpose of the proposed route would be to provide a much needed connection between communities north and south of the Hatchie River. The project would also serve as part of the Great River Road, a scenic route that would parallel the

Mississippi River from Minnesota to the Gulf of Mexico. The project would be classified as a National Scenic and Recreational Highway and as a Minor Arterial in the statewide highway system.

Substantive alternatives being considered for the project include constructing a new highway facility along one of three alternate "build" alignments. Two of the build alternatives would be built partially along existing highways and partially on new location. The third build alternative would be built entirely on new location. Any of the build alternatives would require major structures over Indian Creek Canal and the Hatchie River. A no-build alternative is also under consideration.

A public meeting was held to discuss the project on December 6, 1977. Also, various Federal, State, and local agencies have been advised of the proposed action. Written comments from these agencies as well as several interagency meetings have already provided input regarding the scope of the EIS. No additional scoping meetings are planned.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Agencies, organizations, and individuals interested in submitting comments or questions should contact: Mr. Edward G. Oakley, Division Administrator, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway, Room A–926, Nashville, Tennessee 37203, Telephone: (615) 251–5394.

Bremerton, Washington

The FHWA in cooperation with the Washington State Department of Transportation intends to issue an EIS for a proposed project to build a new marine ferry terminal in the Bremerton/Central Kitsap County area of Washington.

The existing Washington State Ferry Terminal in downtown Bremerton is old and cannot handle the existing or anticipated vehicular and passenger traffic. In addition, the existing facility has problems with the size of the vehicle-holding area, terminal access, ingress and egress, internal circulation, parking, and walk-on passenger facilities. The proposed terminal would correct these deficiencies and also separate vehicle and walk-on passengers, locate bus and kiss-and-ride areas off the streets, and provide adequate waiting areas with passenger support facilities.

An interdisciplinary team, with the assistance of State and local officials and public input, has selected the central waterfront district of Bremerton as the site for the proposed terminal. Three alternate sites and three alternative design concepts are under consideration. Each of these alternatives would accomplish the goals of the proposal. A no-build alternative will also be analyzed.

No formal scoping meeting is planned. Several meetings with State and local officials and the general public have been held and will continue. A project information package that includes an environmental impact checklist has been sent to interested public groups, and to all Federal, State, and local agencies with jurisdiction and/or applicable expertise.

Comments and questions are invited from all interested persons, as well as local, State and Federal agencies concerned, and should be directed to: Mr. William Glover, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, Telephone (206) 753–9480.

King County, Washington

The FHWA in cooperation with the Washington State Department of Transportation intends to issue an EIS for a proposed project to construct a new marine ferry terminal in Seattle, King County, Washington.

The existing Washington State Ferry Terminal in downtown Seattle is inadequate to handle existing or future vehicular and passenger traffic. The proposed new marine facility would correct these inadequacies and cure other deficiencies by increasing the size of a vehicular holding area, improving access and egress for vehicles, separating vehicle and walk-on passengers, improving bus, taxi and kiss-and-ride areas, improving circulation patterns, and providing adequate waiting areas with passenger support facilities. The goals of the project include maintaining the human scale of the facility while being sensitive to, and contributing to, the character of the Seattle waterfront.

An interdisciplinary team, with the assistance of State and local officials and public imput, has selected three alternative design concepts that would accomplish the goals of the proposal. An alternative site location is also under consideration. In addition, a no-build alternative will be analyzed.

At this time, no formal scoping meeting is planned. Several meetings with State and local officials, citizen advisory groups, State and Federal agencies and the general public have been held and will continue. A project information package is available.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, suggestions are invited from all interested parties. Comments or questions should be directed to: Mr. William Glover, Federal Highway Administration, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, Telephone (202) 753–9480.

Issued on: May 2, 1980.

John. S. Hassell, Jr.,

Deputy Administrator.

[FR Doc. 80–14496 Filed 5–9–80; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[Docket No. RFA 505–77–8]

Purchase of Redeemable Preference Shares; Application Amendment

The Federal Railroad Administration ("FRA"), Department of Transportation, hereby gives notice that the application dated June 6, 1977 of the Peoria & Pekin Union Railway Company, 101 Wesley Road, Creve Coeur, Illinois 61611, seeking financial assistance through the sale to the United States of redeemable preference shares under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, has been substantially amended as to dollar amount. A detailed description of the original project was published in the **Federal Register** on June 17, 1977, 42 FR 30961.

Project: The amended application seeks financial assistance through redeemable preference shares having an aggregate par value of $5,975,436. Applicant proposes to redeem the par value and pay dividends on the shares in accordance with a schedule such that payments, commencing 11 years from the date of issuance of the shares and ending 30 years after the date of issuance, will return to the United States not less than 150% of the aggregate par value over the life of the issue.

The proceeds of the sale of preference shares are to be used by the applicant to rehabilitate the A and B Yards through the use of switch and turnout renewal accompanied by rail, ballast, and tie replacement where necessary.

Year	Location	FRA funding
1980	A and B Yards in East Peoria, Ill	$1,990,150
1981	A and B Yards in East Peoria, Ill	1,613,302
1982	A and B Yards in East Peoria, Ill	2,371,984
Total		5,975,436

Justification for the Project: The applicant states that the rehabilitation of the yards will enhance the railroad's ability to provide essential freight services through improved performance of switching activities, decreased derailments, and increased overall yard productivity with the resultant cost savings.

Comments: Interested persons may submit written comments on the amended application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the amended application and the reasons therefor.

To the extent permitted by law, the amended application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations.

The comments will be considered by the FRA in evaluating the amended application. Any commenter who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgement of comments will be provided.

The FRA has not approved or disapproved this amended application nor has it passed upon the accuracy or adequacy of the information contained herein.

Dated: May 5, 1980.

Comment closing date: June 12, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80-14446 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-06-M

[Docket No. FRA 505-79-3]

Purchase of Redeemable Preference Shares; Application Amendment

The Federal Railroad Administration ("FRA"), Department of Transportation, hereby gives notice that the application dated June 29, 1979 of the Indiana Harbor Belt Railroad Company, 2721 161st Street, Hammond, Indiana 46325, seeking financial assistance through the sale to the United States of redeemable preference shares under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, has been substantially amended as to scope and dollar amount.

Project: The amended application seeks financial assistance through redeemable preference shares having an aggregate par value of $21,630,100. Applicant proposes to redeem the par value and pay dividends on the shares in accordance with a schedule such that payments, commencing 11 years from the date of issuance of the shares and ending 30 years after the date of issuance, will return to the United States 150 percent of the aggregate par value over the life of the issue.

A detailed description of the original project was published in the **Federal Register** on July 23, 1979, 44 FR 43132. The application is revised whereby the proceeds of the sale of shares are to be used by the applicant to rehabilitate its existing Blue Island yard to FRA Class II track standards and for the construction of a six-track group in the classification yard at Blue Island.

Project	Completion date	FRA funding
Blue Island Yard rehabilitation	1982	$14,776,700
Construction of 6 tracks	1981	3,840,400
Contingencies		3,013,000

Justification for the project: Applicant states that the project will enable it to maintain and improve essential rail services in the Midwest as well as produce substantial efficiencies and economies in the Applicant's operations in the areas of transportation, maintenance-of-way, maintenance-of-equipment, and per diem.

Comments: Interested persons may submit written comments on the amended application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the amended application and the reasons therefor.

To the extent permitted by law, the amended application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations.

The comments will be considered by the FRA in evaluating the amended application. Any commenter who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgment of comments will be provided.

The FRA has not approved or disapproved this amended application nor has it passed upon the accuracy or adequacy of the information contained herein.

Dated: May 5, 1980.

Comment closing date: June 12, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80-14447 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Dept. Circular Public Debt Series—No. 14-80]

Treasury Notes of Series K-1983; Interest Rate

The Secretary of the Treasury announced on May 6, 1980, that the interest rate on the notes designated Series K-1983, described in Department Circular—Public Debt Series—No. 14-80, dated May 1, 1980, will be 9¼ percent. Interest on the notes will be payable at the rate of 9¼ percent per annum.

Supplementary statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-14499 Filed 5-9-80; 8:45 am]

BILLING CODE 4810-40-M

Comptroller of the Currency

Federal Branches and Agencies of Foreign Banks; Adoption of Capital Equivalency Deposit Agreement Format

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of Adoption of Final Format.

SUMMARY: On November 13, 1979, the Office of the Comptroller of the Currency adopted a regulation, 12 CFR Part 28 (44 FR 65381), implementing most aspects of the International Banking Act

of 1978 (Pub. L. 95–369). This deposit agreement format implements Section 4 of that Act which requires a foreign bank that establishes a Federal branch or agency in the United States to place on deposit with a bank, which is a member of the Federal Reserve System located in the same state as such branch or agency, dollar deposits or investment securities to serve as a capital substitute. The capital equivalency deposit must be maintained pursuant to a deposit agreement "in such form and containing such limitations and conditions as the Comptroller may prescribe".

EFFECTIVE DATE: May 12, 1980.

4AUTHORITY: Pub. L. 95–369, secs. 4, 13; Pub. L. 96–221, sec. 708.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy M. Sullivan, Bank Organization and Structure Division, 490 L'Enfant Plaza East, SW., Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1184.

SUPPLEMENTARY INFORMATION: On November 28, 1979, the Comptroller of the Currency published for comment (44 FR 68057) a proposed capital equivalency deposit agreement form, to be used by foreign banks having one or more Federal branches or agencies in the United States. The Comptroller's Office received one comment, suggesting five changes in the deposit agreement form. The suggested changes can be summarized briefly as follows: (1) Unless otherwise ordered by the Comptroller, the Depository Bank should agree to allow exchange or substitution of capital equivalency assets by the Depositor upon receipt of the Depositor's certification that the aggregate value of the new assets being deposited is the same or greater than the value of the assets being replaced. (2) The Depository Bank should agree to give to the safeguarding, handling and shipment of securities deposited with it by the Depositor the same degree of care that it gives to its own securities. (3) The ability of the Depositor or the Depository Bank to terminate the capital equivalency deposit agreement should be conditioned upon the selection and approval of another Depository Bank. (4) The Comptroller should delegate to a lower official within the agency, perhaps the Regional Administrator, authority to authorize a Depository Bank to release capital equivalency assets. (5) The agreement should be changed to allow the repayment of principal on assets in the capital equivalency account when such repayment does not draw the overall net position of the assets below the level required by law.

The Comptroller adopts the first three suggested changes substantially as proposed by the commenter. Paragraphs 4, 7 and 10 of the capital equivalency deposit agreement have been revised accordingly. With respect to the Comptroller's delegation of authority, any such delegation will be handled as an agency matter separate and apart from the depository agreement format as such. With respect to the repayment of principal on deposited assets, such repayment would constitute a release or would be part of an exchange transaction. It therefore is covered by the provisions of paragraph 3 or paragraph 4 relating to releases and exchange transactions respectively.

The capital equivalency deposit agreement format has been revised in a number of other respects. The final agreement has thirteen paragraphs, whereas the proposed one had only ten paragraphs. Several of the paragraphs are numbered differently than they were in the proposal. The first sentence of the agreement has been modified to clarify that references to the "Comptroller" throughout the document mean the Office of the Comptroller of the Currency and are not necessarily restricted to the Comptroller acting in his or her individual official capacity. Paragraph 1 has been amended to indicate that the Depository Bank may maintain assets deposited pursuant to the agreement in a book-entry account with the Federal Reserve System. Paragraph 2 has been changed to provide that the Depository Bank shall furnish a receipt whenever assets are deposited with it pursuant to the agreement, not merely upon the initial deposit. Paragraph 13 now makes it clear that communications to the Comptroller should be addressed to the attention of the Director, Bank Organization and Structure Division, in Washington, D.C.

DRAFTING INFORMATION: The principal drafters of this document were William Glidden, Senior Attorney, Legal Advisory Services Division, and Timothy Sullivan, Manager, Operations and Procedures, Bank Organization and Structure Division, Comptroller of the Currency.

ADOPTION OF FORMAT: In consideration of the foregoing, the following capital equivalency deposit agreement format is adopted:

Capital Equivalency Deposit Agreement

Whereas, ———— (the "Depositor") is a foreign bank organized under the laws of ————, and maintains an office(s) in the State of ————, licensed by the Office of the Comptroller of the Currency (the "Comptroller") pursuant to the International Banking Act of 1978 (Pub. L. 95–369); and

Whereas, ———— (the "Depository Bank)" is a member bank with its principal office located at ————; and

Whereas, the Depositor is required under Section 4 of the International Banking Act and under the Comptroller's regulations at 12 CFR 28.6 to maintain with a designated member bank a capital equivalency deposit in the form of dollar deposits or investment securities of the type that may be held by national banks for their own account;

Now, therefore, it is agreed among the Comptroller, the Depositor, and the Depository Bank:

1. Dollar deposits and investment securities placed in safekeeping at the Depository Bank pursuant to this agreement and in order to satisfy the capital equivalency requirements of the Depositor shall (a) be pledged to the Comptroller; (b) be accompanied by any documentation necessary to facilitate transfer of title in the event of subsequent release to the Comptroller; (c) be segregated on the books and records of the Depository Bank, provided, however, that the Depository Bank may deposit and maintain such assets in a book-entry account with the Federal Reserve System; and (d) be free from any lien, charge, right of setoff, credit or preference in connection with any claim of the Depository Bank against the Depositor.

2. Whenever assets are deposited pursuant to this agreement, the Depository Bank shall promptly furnish a receipt to the Depositor and a copy thereof to the Comptroller. Such receipt shall specify the aggregate face value of the assets being deposited and, for each asset, shall specify the following information to the extent applicable: the complete title, interest rate, series, serial number, face value, maturity date and call date.

3. The Depository Bank shall not allow assets comprising the capital equivalency deposit to be withdrawn without prior written permission of the Comptroller.

4. Notwithstanding the provisions of paragraph 3, unless otherwise ordered by the Comptroller, the Depository Bank shall release assets to the Depositor in exchange for other assets deposited pursuant to this agreement, provided that the Depositor certifies to the Depository Bank that the aggregate value of the assets being deposited is the same or greater than the aggregate value of the assets being withdrawn. The value of the assets being withdrawn and deposited shall be calculated as of the date of the exchange transaction and, in the case of investment securities, on the basis of the lower of face value or market value. The Depositor's certificate, a copy of which shall be furnished concurrently to the Comptroller, shall also specify: (a) to the extent applicable, the complete title, interest rate, series, serial number, face value, market value, maturity date and call date of each asset being withdrawn and each asset being deposited; (b) the aggregate value of the assets being withdrawn and deposited; and (c) that, after the exchange transaction, the amount of the capital equivalency deposit is sufficient to comply with requirements set by law and by the Comptroller.

5. The Depository Bank shall permit representatives of the Comptroller or the

Depositor to examine the capital equivalency deposit during regular business hours. Upon request, the Depository Bank shall furnish the Comptroller with a current list of the assets maintained in the capital equivalency deposit pursuant to this agreement.

6. The Depositor shall be permitted to collect income on the assets in its capital equivalency deposit unless the Comptroller issues a contrary order to the Depository Bank.

7. The Depository Bank agrees to give to the safeguarding, handling and shipment of capital equivalency deposit assets the same degree of care that it gives to its own securities.

8. The Comptroller may by written order relieve the Depositor or Depository Bank from compliance with any term or condition of this agreement.

9. The Comptroller shall not be required to pay for any services under this agreement.

10. The capital equivalency deposit agreement may be terminated by the Depositor or the Depository Bank upon at least sixty days written notice to the other party. No termination shall be effective until (a) another Depository Bank has been selected by the Depositor and approved by the Comptroller; (b) a capital equivalency deposit agreement acceptable to the Comptroller has been agreed upon by the Depositor and the new depository bank; and (c) the Depository Bank has released to the newly designated depository bank the assets of the capital equivalency account in accordance with the Depositor's written instructions as approved by the Comptroller.

11. The Depository Bank shall release to the Comptroller assets in the capital equivalency deposit upon certification by the Comptroller that a receiver or conservator has been appointed in connection with one or more Federal branches or agencies of the Depositor.

12. Once the total capital equivalency deposit has been turned over to the Depositor or the Comptroller, as the case may be, the Depository Bank shall be discharged from further obligation under this agreement.

13. All written communications required under this agreement shall be mailed or delivered to each party at the following addresses:

The Depository Bank.

The Depositor.

The Comptroller: Comptroller of the Currency, Attention: Director, Bank Organization and Structure Division, Washington, D.C. 20219.

In witness whereof, the Depositor, the Depository Bank and the Comptroller have caused this agreement to be duly executed as of today's date.

Signatures:

Name———————,———————

Title———————

Name———————,———————

Title———————

Name———————,———————

Title———————.

Date:———————

Dated: April 29, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-13934 Filed 5-9-80; 8:45 am]

BILLING CODE 4810-33-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 93
Monday, May 12, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 2 p.m., May 15, 1980.

PLACE: Room 218-A, Administration Building, U.S. Department of Agriculture.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on March 28, 1980.

Closed portion of meeting:

2. Docket UCP 98a, Amendment 2 re: Milk price support program, 1979-80.
3. Resolution pursuant to Docket CZ 200, Revision 4, as amended re: Commodities available for sale to foreign governments or their agents for unrestricted uses.
4. Docket VMD 3a re: Section 32 commodity program.
5. Docket VNP 307, Amendment 1 re: Purchase and distribution of agricultural commodities and other foods for domestic distribution with FNS and Section 32 funds, fiscal year 1980.

CONTACT PERSON FOR MORE INFORMATION: Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone (202) 447-7583.

[S-938-80 Filed 5-8-80; 11:06 am]

BILLING CODE 3410-05-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 9, 1980.

PLACE: 2033 K Street, NW., Washington, D.C., Eighth Floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Legislative matters.

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

[S-936-80 Filed 5-8-80; 11:06 am]

BILLING CODE 6351-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, May 13, 1980.

PLACE: Commission conference room No. 5240, fifth floor, 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: Open to the public:

1. Changes in 706 Agency Designation Process.
2. Proposed contracts for services needed in connection with court cases.
3. Delegation of Authority under EPA and ADEA.
4. Report on Commission Operations by the Executive Director.

Closed to the public:

1. Request for Ratification of ADEA cases requesting preliminary relief.
2. Litigation Authorization; 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 May 6, 1980.

[S-6570-06 Filed 5-8-80 2:11pm]

BILLING CODE 6570-06-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

May 7, 1980.

TIME AND DATE: 10:00 a.m., May 14, 1980.

PLACE: 825 North Capitol Street NE, 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 Office of Public Information.

Power Agenda—449th Meeting, May 14, 1980, Regular Meeting (10 a.m.)

CAP-1. Project No. 2370, Pennsylvania Electric Co.
CAP-2. Docket No. EL78-16, Utah Power & Light Co.
CAP-3. Docket No. EL79-4, Guadalupe-Blanco River Authority.
CAP-4. Docket No. ER80-298, El Paso Electric Co.
CAP-5. Docket No. ER80-171, Boston Edison Co.
CAP-6. Docket No. ER78-355, Lockhart Power Co.
CAP-7. Docket No. ER76-819, Central Illinois Light Co.
CAP-8. Docket No. ER76-716, Indiana & Michigan Electric Co.
CAP-9. Docket No. ER77-578, Kansas Gas & Electric Co.
CAP-10. Docket Nos. E-8641, et al., and ER 76-304, et al., New England Power Co.
CAP-11. Docket No. E-9578 (phase II), Texas Power & Light Co.
CAP-12. Docket Nos. ER78-19, et al., Florida Power & Light Co.
CAP-13. Docket No. ER79-88, Georgia Power Co.
CAP-14. Docket No. ER78-513, Public Service Co. of Indiana, Inc.
CAP-15. Docket Nos. ER76-149 and E-9537, Public Service Co. of Indiana, Inc.
CAP-16. Docket No. ES80-41, Pacific Power & Light Co.
CAP-17. Docket No. ES80-24, El Paso Electric Co.
CAP-18. Docket No. ES80-50, Consumers Power Co.
CAP-19. Docket No. ES80-44, Montana-Dakota Utilities Co.
CAP-20. Docket No. ES80-43, Iowa Power & Light Co.

Miscellaneous Agenda—449th Meeting, May 14, 1980, Regular Meeting

CAM-1. Docket No. RM80- , discontinuance of FPC Form Nos. 12B, 12C, 12-E2, and 12F.
CAM-2. Docket No. RM80- , Revisions of form No. 1—F, annual report for public utilitites and licensees (Class C&D) and form No. 2-A, annual report for natural gas companies (class C&D).

Gas Agenda—449th Meeting, May 14, 1980, Regular Meeting

CAG-1. Docket No. TC80-88, Kansas Nebraska Natural Gas Co., Inc.

CAG–2. Docket No. RP79–57, Northwest Pipeline Corp.
CAG–3. Docket Nos. AR61–2 and AR69–1; AR64–2; AR 67–1; and AR70–1, et al., area rate proceedings, et al. (southern Louisiana, Texas Gulf coast, other Southwest, Permian Basin II areas).
CAG–4. Docket Nos. G–8592, et al., Sun Oil Co. et al.
CAG–5. Docket No. CP80–36, Trunkline Gas Co.
CAG–6. Docket No. CP72–130, City of Prestonburg, Ky., applicant; Kentucky West Virginia Gas Co., respondent; Docket No. CP79–485, Kentucky West Virginia Gas Co.
CAG–7. Docket No. CP80–25, Transwestern Pipeline Co. and Cities Service Gas Co.
CAG–8. Docket No. CP80–124, Lynchburg Gas Co.
CAG–9. Docket No. CP80–199, ANR Storage Co.; Docket No. CP80–202, Michigan Consolidated Gas Co., Interstate Storage Division; Docket No. CP80–241, Southern Natural Gas Co.; Docket No. CP80–254, Southern Georgia Natural Gas Co.; Docket No. CP78–527, Great Lakes Gas Transmission Co.; Docket No. CP78–545, Michigan Wisconsin Pipe Line Co.
CAG–10. Docket No. CP80–197, Cities Service Gas Co.
CAG–11. Docket No. CP80–63, Northern Natural Gas Co.
CAG–12. Docket No. CP80–240, Northwest Pipeline Corp.
CAG–13. Docket No. CP80–253, Delta Natural Gas Co., Inc.
CAG–14. Docket No. CP77–213, Mid Louisiana Gas Co.
CAG–15. Docket No. CP80–85, National Fuel Gas Supply Corp.
CAG–16. El Paso Natural Gas Co.
CAG–17. Texas Eastern Transmission Corp.

Power Agenda—449th Meeting, May 14, 1980, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2305, Sabine River Authority, State of Louisiana, and Sabine River Authority of Texas.
P–2. Project No. 1490, Brazos River Authority.

II. Electric Rate Matters

ER–1. Docket No. ER80–308, Georgia Power Co.
ER–2. Docket Nos. ER–79–31, ER80–284 and ER80–314, Louisiana Power & Light Co.
ER–3. Docket Nos. ER78–417 and ER78–22, Kentucky Utilities Co.
ER–4. Docket No. ER79–512, Long Island Lighting Co.
ER–5. Docket No. ER76–530, Arizona Public Service Co.
ER–6. Docket Nos. ER77–411, et al., and ER77–23, et al., Illinois Power Co.
ER–7. Docket No. ER76–827, Minnesota Power & Light Co.
ER–8. Docket No. ER77–427, Minnesota Power & Light Co.
ER–9. Docket No. E–7777(II), Pacific Gas & Electric Co.; Docket No. E–7796, Pacific Power & Light Co.
ER–10. Docket No. EL80–7, Southeastern Power Administration.

Miscellaneous Agenda—449th Meeting, May 14, 1980, Regular Meeting

M–1. Docket No. RM79–55, Small Power Production and Cogeneration—rates and exemptions; Docket No. RM79–54, Small Power Production and Cogeneration Facilities—qualifying status.
M–2. Docket No. RM79–64, revised requirements for filing changes in rate schedules and the preparation and submission of supporting data.
M–3. Reserved.
M–4. Reserved.
M–5. Docket No. RM78–15, Rules relating to investigations.
M–6. Docket No. RM80 , section 206(d) exemption for mechanical cogeneration facilities from the incremental pricing provisions of the NGPA.
M–7. (A) Docket No. RM80–47, final subpart K of part 271 regulations under the Natural Gas Policy Act of 1978; (B) Docket No. CI77–412, Philips Petroleum Co.; (C) Docket No. RM80–21, regulations under section 110 of the Natural Gas Policy Act of 1978.
M–8. Docket No. RM80–44, final rule adopting regulations implementing section 109 of the Natural Gas Policy Act of 1978.
M–9. Docket No. RM80–6, pricing of pipeline and affiliate production under the Natural Gas Act.
M–10. Docket No. RM80–7, final rule governing the maximum lawful price for pipeline, distributor or affiliate production.
M–11. Docket No. RM79–34, transportation certificates for natural gas displacement of fuel oil.
M–12. Docket No. RM80–20, report of gas supply and requirements. FERC form No. 16.
M–13. Docket No. RM80–11, distributor access to Outer Continental Shelf gas.
M–14. Docket No. RM80–8, bona fide offers; right of first refusal.
M–15. Docket No. RM80– , impermissible pricing provisions.
M–16. Docket No. RM79–3, application for approval of alternative filing requirements: State of Colorado, Oil and Gas Conservation Commission.
M–17. Docket No. GP80– , NGPA well category determination, Mobil Oil Corp. JD79–9850.

Gas Agenda—449th Meeting, May 14, 1980, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP71–125 (PGA78–2), Natural Gas Pipeline Co. of America.
RP–2. Docket No. RP78–68, United Gas Pipe Line Co.

II. Pipeline Certificate Matters

CP–1. Docket No. ST79–6. The Nueces Co.

Kenneth F. Plumb,
Secretary.

[S–934–80 Filed 5–8–80; 10:31]
BILLING CODE 6450–85–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., May 12, 1980.
PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.
STATUS: Open.
MATTER TO BE CONSIDERED: Bunker Surcharge Program in the Domestic Offshore Trade.
CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–945–80 Filed 5–8–80; 3:42 pm]
BILLING CODE 6730–01–M

6

FEDERAL RESERVE SYSTEM.

(Board of Governors).
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 29461, May 2, 1980.
PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Approximately 12 noon, Wednesday, May 7, 1980 (following a recess at the conclusion of the open meeting).
CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

1. Request by the Government Accounting Office for Board comment on a draft report concerning Federal Reserve compliance with the 1970 Bank Holding Company Act Amendments. (This matter was originally announced for a meeting on May 5, 1980).
2. Request by the Government Accounting Office for Board comment on a draft report entitled "Internal Auditing in the Federal Reserve System." (This matter was originally announced for a meeting on May 5, 1980).

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

Dated: May 7, 1980.
Theodore E. Allison,
Secretary of the Board.

[S–940–80 Filed 5–8–80; 12:39 pm]
BILLING CODE 6210–01–M

7

[USITC SE–80–29]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, May 20, 1980.
PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.
STATUS: Open to the public
MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Golf cars from Poland (Inv. AA1921–147A)—briefing and vote.

6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–942–80 Filed 5–8–80; 2:58 pm]

BILLING CODE 7020–02–M

8

[USITC ERB–80–6]

INTERNATIONAL TRADE COMMISSION.

Executive Resources Board (ERB).

TIME AND DATE: 10 a.m., Friday, May 23, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Pursuant to the specific exemptions of 5 U.S.C. 552b(c) (2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b) (2) and (6), Commissioners Alberger, Stern, and Calhoun as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

1. Old Business

a. Recruitment for the position of Director of Investigations.

b. Individual Development Plans for the Executive Development Program.

c. Appointment of the Performance Review Board.

d. Critical Elements and Standards of ITC SES Executives.

e. Proposed procedures for the removal of executives from the SES.

A majority of the entire membership of the Board felt that this meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–943–80 Filed 5–8–80; 2:58 pm]

BILLING CODE 7020–01–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Tuesday, May 6, 1980.

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

STATUS: Open.

MATTERS TO BE CONSIDERED: 5:35 p.m.—Affirmation of Additional Order in the Philippines (approximately 5 minutes, public meeting).

ADDITIONAL INFORMATION: On May 6, the Commission voted 3–0 (Commissioners Kennedy and Bradford not present) that pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, Commission business required that the above item be held on less than one week's notice to the public.

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 7, 1980.

Roger M. Tweed,

Office of the Secretary.

[S–935–80 Filed 5–8–80; 10:13 am]

BILLING CODE 7590–01–M

10

POSTAL SERVICE.

(Board of Governors)

Notice of Vote to Close Meeting. On May 6, 1980, the Board of Governors of the United States Postal Service voted to close to public observation portions of its meeting scheduled for June 3, 1980. Each of the members of the Board voted in favor of partially closing this meeting, which is expected to be attended by the following persons: Governors Wright, Hardesty, Allen, Camp, Ching and Sullivan; Postmaster General Bolger; Deputy Postmaster General Conway; Senior Assistant Postmaster General Finch; and Secretary of the Board Cox.

A portion of the meeting to be closed will consist of a continuation of the discussion by the Governors of the Opinion and Recommended Decision Upon Reconsideration of the Postal Rate Commission re Electronic Mail Classification Proposal, 1978 (Commission Docket No. MC78–3), dated April 8, 1980.

The Governors are of the opinion that public access to the discussion would be likely to disclose matters whose disclosure would be inconsistent with the public's interest in having the Governors candidly discuss the pro's and con's of possible alternatives open to them under the pertinent part of the Postal Reorganization Act (39 U.S.C. 3625(a)) without concern for unreasonably influencing particular litigation, including both litigation that may arise from the Governors' final decision in the Electronic Mail case and litigation currently pending before the Court of Appeals for the D.C. Circuit concerning the jurisdiction of the Federal Communications Commission over the Postal Service's planned Electronic Computer Originated Mail (E–COM) service.

Accordingly, the Governors have determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act in that it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest does not require the discussion of this matter to be open to the public. In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of a meeting to be closed might properly be closed to public observation pursuant to 552b(c)(10) of title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations.

The other portion of the meeting to be closed is to involve a discussion of certain individual personnel actions which may involve adjustments in the compensation of certain officers of the Postal Service. The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the officials immediately affected, but also in regard to the privacy of others whose comparative performance might be discussed.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and § 7.3(f) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion of these compensation adjustments be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the portion of the meeting to be closed may properly

be closed to public observation, pursuant to section 552b(c)(6) of title 5, United States Code and § 7.3(f) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-939-80 Filed 5-8-80; 11:19 am]

BILLING CODE 7710-12-M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 28249, April 28, 1980.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, April 23, 1980.

CHANGES IN THE MEETING: Deletion/ additional items.

The following items were not considered at a closed meeting scheduled on Wednesday, April 30, 1980, following the 10 a.m. open meeting:

Institution of administrative proceedings of an enforcement nature.

The following items will be considered at a closed meeting scheduled for Thursday, May 8, 1980, at 10:00 a.m.:

Litigation matter.

Settlement of administrative proceeding of an enforcement nature.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

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: Anne Sullivan at (202) 272-2468.

May 7, 1980.

[S-937-80 Filed 5-8-80; 11:06 am]

BILLING CODE 8010-01-M

12

[Meeting No. 1242]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 7 p.m., CDT, Thursday, May 15, 1980

PLACE: Iuka High School Gymnasium, Highway 72 East, Quitman Street, Iuka, Mississippi.

STATUS: Open.

Old Business

1. Rejection of bids received in response to Invitation No. 170183 for a load management control system for the Load Management Air-Conditioning Cycling Program.

New Business

B. Purchase Awards

1. Rejection of bids received in response to Invitation No. 533038 for sheet piling and tees for Pickwick Landing main lock.

2. Rejection of bids received in response to Invitation No. 602172 (partial reissue) for indefinite quantity term contract for ASTM A53 pipe for any TVA project or warehouse.

3. Req. No. 826097—Condenser circulating water pumping units for heat rejection system at Yellow Creek Nuclear Plant.

4. Req. No. 603018—Indefinite quantity term contract for nuclear quality carbon steel structural shapes and plates for any TVA nuclear project or warehouse.

C. Power Items

1. Lease and Amendatory Agreement with Columbus, Mississippi, covering lease of TVA's East Columbus 161-kV Substation.

2. Lease and Amendatory Agreements with Columbus, Mississippi, and 4-County Electric Power Association covering arrangements for 46-kV delivery to each distributor at TVA's Columbus District Substation.

3. Lease and Amendatory Agreement with Chickasaw Electric Cooperative and Somerville, Tennessee, covering arrangements for higher voltage delivery to each distributor at TVA's Somerville Substation.

4. New power contract with Oak Ridge, Tennessee.

5. Supplement to contract with Institute of Nuclear Power Operations (INPO) covering arrangements for TVA's participation with the owners of the Nation's nuclear plants to ensure a high quality of operation.

D. Personnel Items

*1. Change of status for McBeth N. Sprouse from Acting Manager of Engineering Design to Manager of Engineering Design, Office of Engineering Design and Construction, Knoxville, Tennessee.

*2. Change of status for Isaac L. Burroughs from Assistant to the Manager of Engineering Design to Assistant Manager of Engineering Design, Office of Engineering Design and Construction, Knoxville, Tennessee.

*3. Change of status for Richard C. Crawford from Assistant Director, Division of Transmission Planning and Engineering, to Acting Director, Division of Energy Use and Distributor Relations, Office of Power, Chattanooga, Tennessee.

*4. Change of status for William M. Bivens from Design Project Manager, Environmental Design Project, Office of Engineering Design and Construction, to Project Manager (Coal Gasification, Design and Construction), Office of the General Manager, Knoxville, Tennessee.

5. Renewal of personal services contract with Derthick & Henley, Architects, Chattanooga, Tennessee, for architectural and engineering services in connection with the Chattanooga Office Complex project, requested by the Office of Engineering Design and Construction.

6. Amendment to personal services contract with Scientific Systems Services, Incorporated, Melbourne, Florida, for service and software programming in connection with the computer project at Bellefonte Nuclear Plant, requested by the Office of Engineering Design and Construction.

E. Real Property Transaction

1. Resolution designating 42.5 acres of Tims Ford Reservoir land in Franklin County, Tennessee, as surplus and for sale at public auction—Tracts XTMFR-9 and XTMFR-10.

F. Unclassified

*1. Settlement of dispute under contract with Continental Oil Company (Conoco) concerning 1976 delivery of uranium concentrates.

2. Letter Agreement with Tishomingo County, Mississippi, providing for TVA's financial assistance to mitigate the temporary impacts on emergency fire and medical services resulting from influx of construction workers into the County for the Yellow Creek Nuclear Plant.

3. Letter Agreement with Alcorn County, Mississippi, providing for TVA's financial assistance to mitigate the temporary impacts on emergency fire and medical services resulting from influx of construction workers into the County for the Yellow Creek Nuclear Plant.

Dated: May 8, 1980.

CONTACT PERSON FOR MORE INFORMATION: Craven Crowell, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-944-80 Filed 5-8-80; 3:38 pm]

BILLING CODE 8120-01-M

*Approved by individual Board members. This would give formal ratification to the Board's action.

*Approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Monday
May 12, 1980

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Community Development Block Grants; Clarification and Changes to Urban Development Action Grant Requirements

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-80-792]

Community Development Block Grants; Clarifications and Changes to Urban Development Action Grant Rules

AGENCY: Office of Urban Development Action Grants, HUD.

ACTION: Proposed rule.

SUMMARY: This rule revises the requirements governing urban development action grants. The publication of this proposed rule is intended to clarify policies and procedures used in the action grant program in order to better inform potential applicants of program requirements. For this reason several of the sections of this subpart have been reorganized and restructured. Some substantive changes have been made, such as the special provision to cover residential and non-residential tenants required to relocate due to an action grant program.

DATE: Comment due date: July 11, 1980.

ADDRESSES: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410. Each person submitting a comment should include his/her name and address, refer to the document by the docket number indicated by the headings, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk, at the address listed above. The proposal may be changed in the light of comments received.

FOR FURTHER INFORMATION: Catherine Hare or Audrey Morris (202-755-7364), Office of Urban Development Action Grants, Department of Housing and Urban Development, 451 7th St., SW., Washington, DC 20410, 202-472-3860.

SUPPLEMENTARY INFORMATION:

Background: On January 10, 1978 [43 FR 1602], the Department published final rules governing the Urban Development Acton Grant program. These regulations were supplemented on March 29, 1978 [43 FR 13340] to provide clarification, technical corrections and small city procedures. Since that time, the Department has published two interim rules (43 FR 50668 and 43 FR 5069) deleting the specific references made to distress standards for Fiscal Year 1978, establishing procedures for publication in notice form of current distress standards and requiring quarterly monitoring reports for those projects selected for preliminary funding approval.

Purpose—(§ 570.450)

This section is being changed to state directly that the purpose of urban development action grants is to attract private investment which will strengthen the economic, employment, and tax base of distressed cities and urban counties. It brings forward in the regulations that at least twenty-five percent of the funds available for the program shall be used for small cities.

Definitions—(§ 570.451)

This section adds a definition for a large city to include metropolitan cities and other cities with populations of more than 50,000. It explains that a distressed community is one which meets the distress standards while an eligible applicant is one which has also demonstrated results in providing housing and results in providing equal opportunity. Finally, it provides definitions of concepts used in the action grant program such as "firm private commitment" and "leveraging ratio" and expands the definition of "project" to distinguish among commercial, industrial, and neighborhood projects

Distressed Communities—(§ 570.452)

This section describes the distress standards used to determine distressed communities. The requirements for becoming an eligible applicant are now explained in § 570.453. Only five comments were received following the publication of the interim rule October 30, 1978 [43 FR 50669] concerning distress standards for metropolitan cities and urban counties. One comment suggested that the specific standards for each category remain in the regulations rather than adopting the notice procedure suggested by HUD. Another applauded the flexibility of the notice system and expressed the view that earlier publication of recent data would make decisions on program eligibility more equitable. One comment disagreed with the use of employment data for metropolitan cities; another expressed dismay that unemployment data were not used for small cities. A final comment suggested that the term "from time to time" was too indefinite. We believe, based on the diversity of recommendations, that the interim rule as published will not cause hardship to potential applicants for the program and will provide benefits to potential applicants by quicker access to recent data. No comments were received on the June 8, 1979 [44 FR 33372] interim rule concerning small cities.

Section 570.452 also has been revamped in order to consolidate language applicable to the category of large cities and urban counties and to that of small cities. Although the criteria are not changed, the descriptive title is revised to more accurately reflect the nature of the standard. For Example, "population lag/decline" is now called "population growth lag/decline". Furthermore, the repetition of categories has been eliminated.

The unique distress factor is now removed from the rule for large cities and urban counties. Units of government having high levels of poverty, but not meeting the minimum standards of physicial and economic distress, may receive Action Grant assistance under the newly-enacted Pocket of Poverty provision pursuant to 24 CFR 570.466 (February 15, 1980).

Eligible Applicants—(§ 570.453)

Explanatory material regarding the determination, duration, and potential for withdrawal of eligibility is included. The section on equal opportunity is strengthened to require significant progress in hiring, training, and promoting minorities and lower income persons. The previous reference in this Section to females has been removed from this category as there is no statutory basis for this provision.

Other Actions Which Must Be Taken Prior to Submission of a Full Application—(§ 570.454)

Citizen participation requirements are now spelled out in this section. Requirements have also been added for publication of notices of public hearings in the non-legal section of local newspapers. Procedures necessary for submission of an application involving flood and drainage facilities are clarified in the body of the section rather than cross-referenced.

Eligible Activities—(§ 570.455)

The eligible activities section is moved in the overall subpart organization to follow § 570.454, actions which must be taken prior to submission of a full application.

Relocation and Land Acquisition—(§ 570.457)

A new section has been added in order to protect residential and non residential tenants who are displaced by

an action grant project. Whereas the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (called the Uniform Act) provides tenant protection when real property is acquired by a State agency, this section provides comparable protection for tenants displaced by an action grant project that is not subject to the Uniform Act.

The Department is especially interested in receiving comments on the proposal to provide businesses with relocation assistance benefits comparable to those under the Uniform Act. In particular, we solicit the public's comments respecting the provision of relocation assistance payments to businesses which have long-term leases on the property and respecting the provision of actual moving expenses versus the present system which allows for a choice between actual moving expenses and a fixed payment in lieu thereof.

Full Applications—(§ 570.458)

This section on applications has been rewritten to provide more detail on the requirements to be met by the applicant. It contains more specific information on the certifications of compliance and adds a requirement for a neighborhood impact analysis for all proposals.

Criteria for Selection—(§ 570.459)

This section has been extensively rewritten to clarify how projects are selected for funding. A requirement that a leverage ratio of at least 2.5 dollars in private investment to 1.0 in requested action grant funds is established as a minimum threshold of firm private commitment to be considered for project selection. Other project characteristics used by HUD in selecting projects are more clearly explained. Furthermore, the impaction formula formerly described in this section for use as the primary criterion in selecting small city projects for funding has been removed because the only remaining statistical factor which is available for use in measuring distress of small cities is per capita income. For this reason, we are consolidating the impaction criterion with the per capita income factor so that only one measure is used in determining the comparative degree of distress for small cities.

HUD Review and Action on Applications—(§ 570.460)

As constructed now, this section consolidates much of the information concerning the timing of application submissions and reviews into a chart. Most of the other information has simply been reorganized to explain HUD procedures. Also, the term "preliminary approval" has been introduced to explain HUD approval procedures.

Post Preliminary Approval Requirements—(§ 570.461)

Requirements have been added for a report subsequent to completion of a project. Only one comment was received following publication of reporting requirements in the October interim rule expressing concern that quarterly reports should not be required until after the grant agreement between HUD and the recipient has been signed. However, we would like to have the quarterly report requirement start immediately following the announcement of preliminary approval to aid in identifying cities and urban counties encountering difficulties in implementing projects.

Project Amendments and Revisions—(§ 570.462)

Pre-approval and post-approval categories have been developed to clarify specific requirements pertaining to each phase of the approval process.

Applicability of Rules and Regulations—(§ 570.463)

This section is technically corrected to account for rules relevant to action grants.

Other Changes

A number of other minor technical changes are included throughout the revision of this rule to correct inaccurate references. In addition, we are amending subpart O § 570.910(b) to include a paragraph concerning sanctions for the urban development action grant program.

A finding of no significant impact under the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. The changes embodied in the regulation have been evaluated and have been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of governments. Copies of the findings are available for inspection and copy in the Office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR Part 570 is amended as follows:

I. Subpart G to Part 570 is revised to read as follows:

Subpart G—Urban Development Action Grants

Sec.

570.450 Purpose.
570.451 Definitions.
570.452 Distressed communities.
570.453 Eligible applicants.
570.454 Other actions which must be taken prior to submission of a full application.
570.455 Eligible activities.
570.456 Ineligible activities and limitations on eligible activities.
570.457 Relocation and land acquisition.
570.458 Full applications.
570.459 Criteria for selection.
570.460 HUD review and action on applications.
570.461 Post preliminary approval requirements.
570.462 Project amendments and revisions.
570.463 Applicability of rules and regulations.

Authority: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95–128); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 5335(d).)

Subpart G—Urban Development Action Grants

§ 570.450 Purpose.

(a) The purpose of urban development action grants is to assist distressed cities and urban counties which require increased public and private investment in order to strengthen their economic, employment, and tax base. The program is intended to help revitalize cities and urban counties experiencing a combination of the following characteristics: loss of population and jobs, stagnating or declining tax bases, high percentages of poverty, low per capita income change, high unemployment, and deteriorating housing.

(b) HUD will allocate grant funds throughout the year to ensure that assistance is available for each calendar quarter. Not less than twenty-five percent of the funds made available under this subpart shall be used for small cities.

§ 570.451 Definitions.

The following definitions apply only to this subpart:

(a) A "large city" means any metropolitan city pursuant to § 570.3(r) and any city with a population of 50,000 or more.

(b) A "small city" means any city under fifty thousand is not a central city of a metropolitan area.

(c) A "distressed community" is a city or urban county which meets the criteria in § 570.452.

(d) An "eligible applicant" is a city or urban county which meets the requirements of § 570.452 on distress and the requirements of § 570.453 on eligibility.

(e) "Activities" mean the action grant funded activities, unless otherwise specified as including the non-action

grant funded activities, as described in the grant agreement.

(f) A "project" means the group of integrally related public and private activities described in the grant agreement which are to be carried out to meet the objectives of the action grant program, and it consists of all action grant funded activities together with all non-action grant funded activities. There are three types of action grant projects:

(1) "Commercial projects" are those which are predominantly retail, office or commercial in nature and which are located in primarily commercial areas such as a central business district.

(2) "Industrial projects" are those which are predominantly warehousing, manufacturing or industrial in nature and which are located in primarily industrial areas such as an industrial park or a central business district.

(3) "Neighborhood projects" are those which: (i) Include industrial, commercial, and/or residential action grant funded or non-action grant funded activities located in a residential area or (ii) are predominantly residential in nature such as the construction of new housing units or the rehabilitation of existing units.

(g) A "participating party" is any person, firm, corporation, or entity so identified in the grant agreement which has agreed to perform action grant or non-action grant funded activities.

(h) A "firm private commitment" means the agreement by which the private participating party in the action grant program agrees to perform an action grant funded or non-action grant funded activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the action grant funded or non-action grant funded activity, and commits the resources to the project. No project will be considered for funding unless it contains a firm private commitment. Although a firm private commitment need not be legally binding at the time preliminary funding decisions are made, it must be legally binding before action grant funds may be expended. In documenting a firm private commitment, the private participating party must:

(1) specify the authority by which the commitment is made, the amount of the commitment and the use of the funds. If the committed action grant funded or non-action grant funded activity or a portion of it is to be self-financed, the private participating party must evidence its financial capability through a corporate or personal financial statement or through other appropriate means. If any portion of it is to be financed through a lending institution, the participant must submit evidence of the institution's commitment to fund the loan;

(2) state the amount and use of the action grant, and the relationship of the action grant to the proposed investment, and the number of net new permanent and construction jobs to be created by the action grant funded or non-action grant funded activity;

(3) affirm that its investment is contingent upon receipt of the total action grant or other public money (or a specified portion thereof), include a statement that but for the receipt of the public funds requested, this project would not be built, and state a willingness on the part of the signatory to sign a legally binding commitment upon preliminary approval of the action grant.

(i) A "firm public commitment" means the agreement by which the public participating party in the action grant program agrees to perform the action grant funded or non-action grant funded activity specified in the application and commits the necessary resources to the project. No project containing a requirement for other public financing will be considered for funding unless it contains a firm public commitment. Documentation of a firm public commitment will generally take the form of a city or county council resolution or a letter from a federal or state agency stating the amount and purpose of the funding available, and that the funds are committed to the project.

(j) A "legally binding commitment" means a legally enforceable written obligation made by a private or public participating party to complete a specified activity or set of activities (action grant or non-acton grant funded) which is approved as part of the action grant project.

(k) The "leveraging ration" is defined as the total amount of firm private commitment generated by the project divided by the amount of action grant funds awarded to the project.

(1) In calculating the amount of firm private commitment, HUD will only consider investments which are contingent upon the receipt of action grant funds and which are necessary to make a permanent capital improvement. For example, expenditures for land assembly, new construction or rehabilitation will be included in the calculation of the private commitment for a project. Working capital and inventory will not be included.

(2) A hypothetical example illustrates how the leveraging ratio is derived. A private industry agrees to build a wigdet factory. The company agrees to put $1 million in equity into the plant, borrows $5 million in a first mortgage from a bank, and needs a million dollar second mortgage in action grant funds to complete the project. In addition the applicant agrees to use $500,000 in community development block grant funds to provide off-site improvement. The leveraging ratio would be obtained by adding the $1 million equity, the $5 million first mortgage, plus the discounted value of the action grant second mortgage which (for the purpose of this example) equals $700,000. The total amount of firm private commitments equals $6.7 million for a 6.7 to 1.0 leveraging ratio.

§ 570.452 Distressed communities.

(a) *General.* Distressed communities are those cities and urban counties which meet the appropriate criteria of physical and economic distress as specified in this section. Cities participating in the Community Development Block grant program in cooperation with an urban county, as provided in § 570.105 (b)(1)(iii)(C), are potential applicants under this subpart if they meet the requirements of this section. Such cities may at the same time continue as cooperating units of government in the urban county's entitlement grant application. Towns and Townships, pursuant to section 570, § 570.3(e), may apply. Towns and townships which do not qualify under the closely settled requirement of that section may request that the Secretary waive this requirement.

(b) *Minimum standards of physical and economic distress.* (1) From time to time, HUD will publish in Notice form the specific minimum standards of physical and economic distress used in determining which cities and urban counties are potentially eligible applicants for action grant funds. These standards will be derived by using the best and most recent available data for the community as a whole, allowing for comparisons between cities and urban counties of the same size class in the following categories: (i) percentage of housing constructed prior to 1940, (ii) per capita income change, (iii) percentage of poverty, (iv) population growth lag/decline, (v) job lag/decline, and (vi) unemployment.

(2) Any city or urban county which no longer qualifies on the basis of distress due to a change in applicable data will have up to two calendar quarters to submit full applications following the anouncement of that change. HUD will establish a date by which such applications will no longer be accepted and will publish the date in the Notice.

(c) *Large cities and urban counties.* (1) In order to qualify as distressed

communities, large cities and urban counties must meet three of the six currently applicable minimum standards of physical and economic distress specified in paragraph (b) (1) of this section.

(2) If the city or urban county's percentage of poverty is less than one-half of the HUD established standard, then it must meet four of the six minimum standards.

(d) *Small Cities.* In order to qualify as distressed comunities, small cities must meet the minimum standards of physical and economic distress for the categories appropriate to their size class as outlined below. Two size classes are used, based on the most recent population data estimated by the Bureau of the Census. One is for cities whose population is estimated to be at least 25,000 but not more than 50,000. The other is for cities whose estimated population is less then 25,000.

(1) Cities of less than 25,000 population.

(i) If the percentage of poverty is at least one-half of the HUD established standard the city must meet standards in three of the following four areas:

(A) Percentage of housing constructed prior to 1940.

(B) Per capita income change.

(C) Percentage of poverty.

(D) Population growth lag/decline.

(ii) If the percentage of poverty is twice the HUD established standard, the city must meet only one other minimum standard.

(iii) If the percentage of year-round housing units constructed prior to 1940 is twice the HUD established standard, the city must meet only the poverty standard.

(2) Cities of 25,000 population, but not greater than 50,000 population.

(i) Must meet the minimum standards in three of the following five areas:

(A) Percentage of housing constructed prior to 1940.

(B) Per capita income change.

(C) Percentage of poverty.

(D) Population growth lag/decline.

(E) Job lag/decline.

(ii) If the percentage of poverty is less than one-half of the HUD established standard, the city must meet all four other minimum standards.

(iii) If the percentage of poverty is twice the HUD established standard, the City must meet only one other minimum standard.

(iv) If the percentage of year round-housing units constructed prior to 1940 is twice the HUD established standard, the city must meet only the poverty standard.

§ 570.453 Eligible applicants.

(a) *Eligibility.* Cities and urban counties which qualify as distressed communities, pursuant to § 570.452, by meeting the appropriate distress criteria must be determined eligible in order to submit a full application which will be considered for funding under the action grant program.

(1) *Pre-application request for a determination of eligibility.* Distressed communities must request a determination of eligibility prior to submission of their first full application. The request for a determination of eligibility must be submitted to the appropriate HUD Area Office on Standard Form 424, as modified by HUD, at least 60 days prior to the deadline for submission of the full application (or at a later time as authorized by the Secretary pursuant to § 570.4). To qualify as an eligible applicant, a city or urban county must meet the requirements of paragraphs (a), (b) and (c) of this section.

(2) *Duration of Eligibility.* Once an applicant has been determined eligible, a preapplication need not be filed again; however, in order to remain eligible, the city or urban county must continue to demonstrate results in providing low- and moderate-income housing and equal opportunity in housing and employment as described in this section. Large cities and urban counties shall submit their most recent EEO–4 form by November 30 each year to the HUD Area Office. Small cities shall submit their most recent EEO–4 forms or recent comparable data by November 30 each year to the HUD Area Office. The Area Office will review this information along with other data concerning results in providing housing and equal opportunity described in paragraphs (b) and (c) of this section received by the Area Office.

(3) *Withdrawal of Eligibility.* Eligibility status may be withdrawn at any time if the distressed community fails to continue to demonstrate results in providing housing or equal opportunity.

(b) *Results in Providing Housing.* In order to qualify, the distressed community must demonstrate that it has achieved results in providing housing for persons of low- and moderate-income. Among the factors HUD will consider are the number of federally or other assisted housing units provided for low- and moderate-income households especially since 1974. Specifically, HUD will evaluate the distressed community's actions in implementing the proportional goals established in any HUD-approved Housing Assistance Plan as well as actions to provide such housing taken previous to the establishment of a Housing Assistance Plan. This evaluation would include a review of such local actions as the removal of impediments in local ordinances and land use requirements to the development of assisted housing, the formation of a local housing authority when necessary to carry out the Housing Assistance Plan, the provision of sites for assisted housing when resources are available, and other actions appropriate for implementation of the Housing Assistance Plan. The actions of a city which previously participated in the community development block grant program as part of an urban county shall be considered with regard to the provision of assisted housing in accordance with the HUD-approved Housing Assistance Plan for the urban county. If the distressed community has never had a HUD approved Housing Assistance Plan, it must demonstrate that it previously has provided or assisted in the provision of housing for low- and moderate-income persons and families.

(c) *Results in Providing Equal Opportunity.* In order to qualify, the distressed community must demonstrate that it has achieved results in providing equal opportunity in housing and employment for low- and moderate-income persons and members of minority groups. Among the factors which HUD will consider are: (1) The location and occupancy characteristics of federally or other assisted housing units provided for families, and the extent to which the use of these programs promotes and shows progress in promoting a greater choice of housing opportunity for low- and moderate-income persons in areas outside of low income and minority concentration; (2) whether the distressed community is actively engaged in promoting housing choice in all of its neighborhoods through participation in an area-wide affirmative marketing effort, a New Horizons Fair Housing Assistance Project, or other fair housing actions designed to eliminate and prevent discrimination in the private housing market throughout the distressed community's jurisdiction; (3) whether relocation as a result of federally assisted programs has resulted in expanded housing opportunities for minorities outside areas of minority or low-income concentration; (4) whether the distressed community is a participating jurisdiction in an approved Housing Opportunity Plan, where such plan includes the community's jurisdiction; (5) whether the distressed community's performance reports to

HUD and/or the Equal Employment Opportunity Commission indicate significant progress in hiring, training, and promoting minorities and lower-income persons.

§ 570.454 Other actions which must be taken prior to submission of a full application.

(a) *Citizen Participation.* Prior to submission of a full application, the applicant must:

(1) prepare and follow a written citizen participation plan, which plan provides the opportunity for citizens to participate in the development of the application, with special attention to measures to encourage the statement of views and the submission of proposals by low- and moderate-income persons, minorities, and residents of blighted neighborhoods, and to scheduling hearings at times and locations which are convenient to all citizens including the handicapped.

(2) provide citizens with adequate information concerning the amount of funds available for proposed activities, the range of action grant funded and nonaction grant funded activities that may be undertaken, and other important program requirements.

(3) hold public hearings to obtain the views of citizens, of which at least one hearing concerns needs which may be dealt with under this subpart, and at least one hearing concerns the application prior to official action authorizing submission of the application.

(4) publish prior to each public hearing a notice in easily readable type in the non-legal section of newspapers of general circulation including minority and non-English language newspapers where they exist. Such notices shall indicate the time, date, place and procedures of the hearings and the topics to be considered. The notice of the urban development action grant hearing concerning needs under this subpart must be published as a separate agenda item if the meeting is also to consider needs for the Community Development Block Grant program.

(5) Nothing in these requirements however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of the urban development action grant program.

(b) *Environmental Assessment.* Cities and urban counties must have a level of clearance finding in accordance with § 58.15(d) of subtitle A of this title. Applications will not be accepted for funding consideration, unless a level of environmental clearance finding is made by the time of submission.

(c) *Flood and Drainage Facilities.* If the project involves flood and drainage facilities, the application must include evidence that the requirements of § 570.607 have been satisfied. That is, the applicant must have submitted a request to an appropriate public agency for funds, received notification of rejection from that agency or notification that the funds are not available for at least 90 days, and the applicant must notify HUD of the results of this request.

(d) *Modified OMB Circular A–95 procedure for applications.* Applicants must comply with all procedures set forth in Part I of OMB Circular No. A–95 except as modified below. Those procedures also require that significant program changes or amendments submitted to HUD in accordance with § 570.462 shall be submitted to clearinghouses.

(1) *Notification.* Applicants shall submit a copy of the request for determination of eligibility to all appropriate State and areawide clearinghouses at the time the request is submitted to HUD. This shall serve as the Notification of Intent for the applicant's first application. HUD will provide clearinghouses with a copy of its notification to the applicant of its eligibility status. For all subsequent application submissions, applicants must follow the normal notification procedures set forth in Part I of OMB Circular No. A–95, with a copy forwarded simultaneously to the appropriate HUD Area Office.

(2) *Clearinghouse Review Period.* Unless the requirement is waived by a clearinghouse, applicants shall provide the clearinghouse a period of thirty-days to review the completed application and to transmit to the applicant any comments or recommendations, prior to submission of the application to HUD.

(3) *Comments.* The applicant shall transmit all comments with the application to HUD. In instances where comments are not received by the applicant within the thirty day period, the applicant shall include a statement indicating that the State and areawide clearinghouses were notified and no comments were received. Any comments received late shall be submitted to HUD immediately upon receipt. The A–95 comments will be considered with the application through the review and selection process. If the A–95 review comments contain any findings of inconsistency with State, areawide, or local plans or noncompliance with environmental or civil rights laws, the applicant must state how it proposes to resolve the finding or state its justification for proposing to proceed with the project despite the findings developed through the A–95 review process.

§ 570.455 Eligible activities.

(a) Except as specified in § 570.456, grant assistance will be made available for any eligible activity specified in Subpart C which supports a commercial, industrial, or neighborhood project. If permissible under State and local law, the applicant may undertake activities outside of the applicant's jurisdiction where the benefits of the project accrue to the applicant.

(b) If an applicant requests assistance for an activity not eligible under Subpart C, then the applicant must demonstrate that the activity proposed is consistent with the objectives of revitalizing the applicant's economic base or reclaiming neighborhoods having excessive housing abandonment or deterioration. Among the factors HUD will consider in determining whether or not an activity ineligible, under Subpart C, will be funded are the following: The necessity of the activity in stimulating private investment in the proposed project; the amount of long-term employment accessible to low- and moderate-income persons and minorities generated by the proposed project; the degree of impact of the proposed project on the economic condition of the community; and the effectiveness of the proposed project as a stimulus to area revitalization.

New housing construction may be assisted if the applicant demonstrates, in addition to the factors specified above, that the proposed new housing is consistent with the applicant's community development and housing strategy and that other resources are not adequate.

§ 570.456 Ineligible activities and limitations on eligible activities.

(a) Large cities and urban counties may not use assistance under this subpart for planning the project or developing the application. However, they may use entitlement community development block grant funds for this purpose. Any small city which submits a project application which is selected for preliminary approval and for which HUD processes a grant agreement pursuant to § 570.461 and a release of funds pursuant to 24 CFR Part 58 may devote up to three (3) percent of the approved amount of its action grant to defray its actual costs in planning the project and preparing its application.

(b) Assistance under this subpart may not be used for public services as described in § 570.201(e).

(c) Except as specified herein, no assistance will be provided for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation does not significantly and adversely affect the level of unemployment or the economic base of the area from which such industrial or commercial plant or facility is to be relocated. However, moves within a metropolitan area shall not be subject to this provision.

§ 570.457 Relocation and land acquisition.

(a) *Application of the Uniform Act.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing regulations at 24 CFR Part 42 (Uniform Relocation Assistance and Real Property Acquisition) apply to the acquisition of real property by any State agency (as defined at 24 CFR 42.85) for a project assisted under this subpart and to any displacement that results from such acquisition. More specific instructions about the applicability of the Uniform Act are contained in § 570.602(a).

(b) *Displacement not subject to the Uniform Act.* The provisions of this paragraph apply to action grant funded and non-action grant funded activities not subject to the Uniform Act. HUD has determined that requirements identical to those set forth at 24 CFR Part 42, as modified by the following provisions of this paragraph, shall apply to each tenant (not an owner-occupant) who occupies the site of an action grant funded or non-action grant funded activity.

(1) *Issuance of notice to residential tenant.* Within 30 days after preliminary funding approval is announced or at such later date agreed to by HUD, the applicant shall issue each residential tenant either a notice of displacement (described at § 42.205) that is effective immediately or a notice of right to continue in occupancy (described at § 42.207). Any tenant required by the owner to move from the property, other than for cause, before issuance of such a notice, but after the submission of the action grant application to HUD, shall be issued a notice of displacement effective on the date the tenant vacated the property. In the latter case, the one-year period (see § 42.451(c)) within which the tenant must purchase/rent and occupy a replacement dwelling (if he or she chooses to relocate again) and the 18-month period for filing relocation payment claim(s) shall not begin until after the tenant has been provided a reasonable choice of opportunities to relocate to a comparable replacement dwelling.

(2) *Issuance of notice to nonresidential tenants.* The applicant shall determine whether or not a nonresidential tenant will be required to move as a result of the urban development action grant project. If a nonresidential tenant is ordered to vacate the property in connection with the action grant funded or non-action grant funded activity or the applicant determines that undue hardships (e.g., substantial increase in rent or costly suspension of operations) will result from the project, it shall promptly issue the tenant a notice of displacement (described at 24 CFR 42.205). If a nonresidential tenant is not required to move as a result of the project, the terms and conditions of continued occupancy are matters for negotiation between the owner and tenant.

(3) *"Initiation of negotiations."* For purposes of determining eligibility for a replacement housing payment under Subpart G of 24 CFR Part 42, the effective date of the notice of displacement shall be considered to be the "initiation of negotiations."

(4) *Replacement housing payment.* A displaced residential tenant who meets the eligibility conditions at § 42.451 is entitled to a replacement housing payment to help him or her rent or buy a replacement dwelling. Any such tenant who chooses to buy a replacement dwelling is entitled to receive a downpayment assistance payment computed under § 42.455. Any such tenant who elects to rent a replacement dwelling is entitled to a rental assistance payment computed in accordance with § 42.453, unless a Public Housing Agency administering the Section 8 Existing Housing Program (24 CFR Part 882) determines, in accordance with the Section 8 eligibility criteria in 24 CFR Part 889 and selection criteria described in its Administrative Plan approved by HUD, that the displaced tenant can be issued a Certificate of Family Participation under that program. Assistance under the Certificate can only occur when (i) the tenant has voluntarily selected a replacement dwelling which meets the housing quality standards and other requirements of that program and (ii) the landlord of the replacement dwelling unit is willing to participate in the program. If the tenant elects to rent a replacement dwelling that cannot be assisted under the Section 8 Existing Housing Program, he/she must be offered the rental assistance payment described at § 42.453. (If an eligible tenant voluntarily selects a rental unit that meets the Section 8 requirements and the owner is willing to participate in the Existing Housing Program but the tenant refuses the Section 8 assistance, the tenant is not entitled to a rental assistance payment. However, the tenant remains eligible for a moving expense payment computed as described at § 42.303 or § 42.353).

(5) *Maximum rent under notice of right to continue in occupancy.* A residential tenant who receives a notice of right to continue in occupancy (described at § 42.207) is assured, among other things, that he or she will have the right to occupy the property for a period of at least four years after the activity is completed. The terms and conditions of continued occupancy shall be reasonable and shall be contained in a lease. The lease shall run for a period of at least four (4) years. The tenant's rights shall be in accordance with the lease and the provisions of State and local law. The procedures for an automatic notice of displacement described at § 42.205(b)(2) and § 42.207(a)(4) shall not apply. In addition, the provisions at § 42.207(a)(2) governing the tenant's maximum monthly housing cost (rent and estimated utility charges) during the four-year period are modified to read as follows:

(i) During the first year of the four-year period, the tenant's monthly housing cost shall be established at a level that does not exceed the greater of:

(A) Twenty-five percent (25%) of the gross income of all adult members of the household, or

(B) 105% of the tenant's monthly housing cost for the unit six months prior to issuance of the notice of right to continue in occupancy.

(ii) At the end of the first, second and third years, the monthly housing cost may be increased. The monthly increase, however, shall not exceed the sum of (A) the average monthly increase in the owner's costs for utility charges and property taxes over the previous year, plus (B) five percent (5%) of the monthly contract rent (exclusive of utility costs) charged during the prior year.

(6) *Waiver of right to continue in occupancy.* Nothing in these regulations shall prevent a fully informed tenant, who will not be required to relocate permanently, from waiving his/her right to be issued a notice of right to continue in occupancy.

(7) *Ineligible tenants.* Under the following circumstances, the tenant is neither entitled to a notice of displacement nor a notice of right to continue in occupancy, nor will he or she receive relocation assistance.

(i) The action grant funded or non-action grant funded activity is limited to residential rehabilitation work for which the cost allocable to the tenant's unit does not exceed $2,500 and the recipient determines that the tenant will not be required to move because of the rehabilitation. In a building of two or more units, the cost allocable to the tenant's unit included the pro rata share of the cost of work done to common elements of the property.

(ii) The tenant moves to the property after submission of the action grant application and is notified prior to occupancy about the proposal and its effect on him/her.

(c) *Responsibility of the Applicant.* The applicant is responsible for assuring compliance with the requirements of paragraph (b) of this section. To pay the cost of relocation assistance, including rental assistance payments, the applicant may use local public funds, action grant or entitlement community development block grant funds (24 CFR Part 570) or the applicant may secure a commitment from any participating party in the action grant program to provide the necessary funds. Where a notice of right to continue in occupancy is to be provided (see paragraph (b)(4) of this section), the applicant is responsible for making the participating party aware of its obligations.

§ 570.458 Full applications.

(a) *Application scope.* Applicants must submit a separate application for each proposed project as defined in § 570.451(f).

(b) *Scope of the proposed project.* Action grant projects are intended to attract new private investment for neighborhood, commercial or industrial developments that alleviate physical and economic distress. The proposed project must be able to be carried out in a timely fashion, which HUD generally expects not to exceed four years from the date of the announcement of preliminary approval. The applicant shall apply for action grant funds in an amount which, together with other public and private resources, will be adequate to complete the project without additional action grant funds. While a recipient may remain eligible for action grant funding for other projects, no additional funding will be available in the future to complete a project already approved. Should additional funding be required to complete a previously approved project, the applicant must provide such funding from another source such as entitlement funds (if the activities are eligible under Subpart C and meet the program benefit requirement under Subpart D), local general purposes funds, or other public or private resources.

(c) *Submission requirements.* Applications must be submitted on HUD forms and must consist of the following:

(1) Standard Form 424, prescribed by OMP Circular No. A–102 and the urban development action grant application.

(2) A community development plan and a housing Assistance Plan, as specified in Subpart D of this chapter. An applicant's approved Community Development Program which is in effect is deemed incorporated in the application by reference. Small cities which do not have a Housing Assistance Plan in effect must submit a small cities single purpose Housing Assistance Plan and Community Development Program pursuant to Subpart F.

(3) A brief description of the applicant's urban development action grant program, which shall specify an action plan and strategy, summarizing how the proposed project meets the objectives of the strategy to alleviate physical and economic distress. This program

(i) must be consistent with the HUD approved Community Development Program and the Housing Assistance Plan described in Subpart D or F as appropriate;

(ii) must be consistent with the Overall Economic Development Program and Plans (OEDP) required by the Public Works and Economic Development Act of 1965, as amended, if the OEDP is applicant to the project area;

(iii) must be consistent with the Economic Development Strategy (EDS) when used by communities to meet planning requirements of the OEDP program of EDA and HUD; and

(iv) must describe unique opportunities to attract private investment to alleviate physical and economic distress within the applicant community.

(4) A description of the project to be undertaken, contractual commitment concerning the property involved, the nature of the project, the number and types of jobs to be created by the private participating parties, and the taxes to be generated. The applicant must substantiate the market and economic feasibility of each aspect of the proposed project and must assess the impact of the project in relation to similar existing industrial, commercial and residential uses within the applicant's jurisdication. The applicant must identify the public and private participating parties in the proposed project and must clarify the relationship of each to the request for action grant funds. Information provided shall include proposed cost and methods of financing.

(5) The status of environmental review of the proposed project, and a proposed timetable for the completion of any required environmental actions as described in 24 CFR Part 58.

(6) Documentation of private and public commitments which will be available for completing the project as outlined in § 570.451 may be in the form of a firm private, firm public or legally binding commitment between the applicant and the public and private entities. No application will be considered feasible and effective unless there is evidence of at least a firm private commitment.

(7) A statement analyzing the impact of the proposed urban development action grant program on the residents of any affected residential neighborhood, particularly those containing low- and moderate-income persons and members of minority groups, and on the affected neighborhood.

(8) A summary of all proposed expendiutures to be undertaken in the project and a breakdown of the individual public and private expenditures.

(9) A detailed schedule for accomplishing each part of the proposed project.

(10) Maps, aerial photos, site plans or other graphic descriptions of the applicant's jurisdiction, the location of the project, access to the project, surrounding land uses, and related property information.

(11) Data on anticipated involuntary displacement and relocation of residents by household type, income level, and minority status and/or businesses displaced and jobs lost due to displacement. The following must be included: a description of the efforts made to minimize involuntary displacement, including an analysis of the feasibility of undertaking any rehabilitation of occupied properties in stages in order to minimize displacement; a description of the efforts which will be made to provide opportunities to low- and moderate-income and minority persons to relocate outside areas of low income and minority concentration; and of the opportunities to be provided to displaced persons and businesses to relocate within the project area.

(12) An analysis of the impact of the project on the special problems of low- and moderate-income persons and minorities.

(13) An employment plan to assure that the jobs created by the proposed project will be available to the long-term unemployed and underemployed. The

use of job training programs and consultations with the CETA provider should be detailed.

(14) The record of the applicant in carrying out similar projects. If the applicant has no related experience, it should provide information concerning its abilities to successfully complete the project.

(15) Certifications. The applicant shall submit certifications, in such form as HUD may prescribe, providing assurances that:

(i) Prior to submission of its application, it has followed the citizen participation process explained in § 570.454(a).

(ii) The proposed project is consistent with the Community Development program, the Housing Assistance Plan, and, if applicable, the Overall Economic Development Program and Economic Development Strategy administered by the Department of Commerce (see paragraph (d)(3) of this section).

(iii) The applicant's chief executive officer must certify that in his or her opinion, the private development would not occur unless the public funding on which the development is based becomes available.

(iv) The applicant's chief executive officer must certify that the action grant funds will not substitute for local public funds which are available and which are committed by line item specified in the applicant's local budget to the project described in the action grant application.

(v) It possesses legal authority to apply for the grant and to execute the proposed program.

(vi) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(vii) It has complied with all the requirements of OMB Circular A–95 as modified by 24 CFR 570.310 and that either:

(A) Any comments and recommendations made by or through clearinghouses are attached and have been considered prior to submission of the application; or

(B) The required procedures have been followed and no comments or recommendations have been received.

(viii) Its chief executive officer or other officer of the applicant approved by HUD:

(A) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such Act apply to 24 CFR Part 570;

(B) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such official.

(ix) It will comply with the regulations, policies, guidelines, and requirements of OMB Circular No. A–102, Revised, and Federal Management Circular 74–4 as they relate to the application, acceptance, and use of Federal funds under 24 CFR Part 570.

(x) It will administer and enforce the labor standards requirements set forth in 24 CFR 570.605 and HUD regulations issued to implement such requirements.

(xi) It will comply with all requirements imposed by HUD concerning special requirements of law, program requirements, and other administrative requirements, approved in accordance with OMB Circular No. A–102, Revised.

(xii) It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution.

(xiii) It will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided under 24 CFR Part 570 to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A–117.1–R1971, subject to the exceptions contained in 41 CFR 101–19. 604. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(xiv) It will comply with:

(A) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

(B) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provisions of brokerage services.

(C) Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR 570.601), which provide that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under 24 CFR Part 570.

(D) Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with Federal assistance.

(E) Executive Order 11246, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), which provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or federally assisted construction contracts. Contractors and subcontractors on Federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training and apprenticeship.

(xv) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns residing in the area of the project.

(xvi) It will:

(A) To the greatest extent practicable under State law, comply with Sections 301 and 302 of Title III (Uniform Real Property Acquisition Policy) of the

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will comply with Sections 303 and 304 of Title III, and HUD implementing instructions at 24 CFR Part 42; and

(B) Inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations at 24 CFR Part 42 and § 570.602(b).

(xvii) It will:

(A) Comply with Title II (Uniform Relocation Assistance) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD implementing regulations at 24 CFR Part 42 and § 570.602(a);

(B) Provide relocation payments and offer relocation assistance as described in Section 205 of the Uniform Relocation Assistance Act to all persons displaced as a result of acquisition of real property for an activity. Such payments and assistance shall be provided in a fair and consistent and equitable manner that insures that the relocation process does not result in different or separate treatment of such persons on account of race, color, religion, national origin, sex, or source of income;

(C) Assure that, within a reasonable period of time prior to displacement, comparable decent, safe and sanitary replacement dwellings will be available to displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, national origin, sex, or source of income; and

(D) Inform affected persons of the relocation assistance, policies, and procedures set forth in the regulations at 24 CFR Part 42 and 24 CFR § 570.602(a).

(xviii) It will comply with the special provisions of § 570.457 concerning the relocation of residential tenants not covered by the Uniform Act.

(xix) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(xx) It will comply with the provisions of the Hatch Act which limits the political activity of employees.

(xxi) It will give HUD and the Comptroller General through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.

(xxii) It will insure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

(xxiii) It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973. Pub. L. 93–234, 87 Stat. 975, approved December 31, 1973. Section 103(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

(xxiv) It will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archeological and Historical Data Act of 1966 (16 U.S.C. 469a–1, et seq.) by:

(A) Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the proposed action activity; and

(B) Complying with all requirements established by HUD to avoid or mitigate adverse effects upon such properties.

(xxv) It certifies that it has not knowingly and willfully made or used a document or writing containing any false, fictitious, or fraudulent statement or entry. 18 U.S.C. 1001 provides that whoever does so within the jurisdiction of any department or agency of the United States shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(xxvi) It will follow the cost-effective energy efficiency (conservation) standards for rehabilitation of residential properties contained in the Appendix to the regulations issued under 24 CFR Part 39 for action grant funded and non-action grant funded activities.

(A) Thermal improvement of construction elements which would not be made accessible or become exposed during rehabilitation is not required.

(B) Energy conservation improvements not practical considering economic feasibility, program needs, and the materials and type of construction, may be eliminated.

(C) For mid-rise, high-rise and many low-rise multifamily projects, an energy audit must be carried out to identify and specify the energy and cost savings which are estimated to result from installing energy conservation measures.

(D) All measures determined to be cost effective, given loan term and interest rate, shall be accomplished, especially weatherstripping and caulking.

§ 570.459 Criteria for selection.

(a) *General.* Grant assistance will be made available in order to achieve a reasonable balance for the program as a whole among feasible and effective neighborhood, industrial and commercial projects. To be considered for project selection, a proposal must have a firm private commitment and a leveraging ratio of at least 2.5 to 1.0. If public funding is required by the project, then a firm public commitment is necessary to be considered for project selection.

(1) Each calendar quarter, HUD shall review all new proposals received and all proposals pending consideration and shall determine which among such proposals are both feasible and effective. Feasible and effective projects will be compared using the selection criteria of this section although neighborhood projects will only be compared with neighborhood projects.

(2) The nature and purpose of the proposed project will determine the extent to which each of the selection criteria in paragraphs (e) through (t) of this section will apply.

(b) *Requirements which must be met to be considered for project selection.* (1) *A firm private commitment.* No projects will be funded under this subpart unless there is a firm private commitment to finance and carry out the proposed project. The private commitment must have a clear, direct relationship to the activities for which funding is being requested.

(2) *Leveraging ratio.* Each project considered for selection for funding must have a leveraging ratio of at least 2.5 to 1.0.

(3) *A firm commitment of public resources.* If a project requires a commitment of other public resources, then it must be a firm public commitment.

(c) *Selection of Projects for Preliminary Funding Approval: Large*

cities and urban counties. Projects shall be selected on the following bases:

(1) As the primary criterion, the comparative degree of physical and economic distress among applicants, as measured by the differences in the factors set forth below, which shall be assigned the following relative weights: (i) The percentage of their total housing stock that was built prior to 1940; 0.5; (ii) The percentage of their total current population that was in poverty in 1970: 0.3; and (iii) The degree to which their population growth rate lags behind that of all metropolitan cities: 0.2.

(2) The comparative degree of physical and economic distress as measured by per capita income, unemployment, and job lag/decline and

(3) The factors contained in paragraphs (e) through (u) of this section.

(d) *Selection of Projects for Preliminary Funding Approval: Small cities.* Projects shall be selected on the following bases:

(1) As the primary criterion, the comparative degree of physical and economic distress as measured by the distress standards in § 570.452(b)(2);

(2) the factors contained in paragraphs (e) through (u) of this section.

(e) *The impact of the proposed project on the employment base of the community.* In evaluating the employment impact of a proposed project, HUD will consider such factors as the net number of new permanent or temporary jobs to be created within the distressed community.

(1) Specifically HUD will consider whether the project includes a greater number of net new permanent jobs than other similar type projects. For example, a project creating 1,000 new permanent jobs requiring a million dollar investment of action grant funds will have an action grant cost of $1,000 per job. A similar project having an action grant cost of $10,000 per job will compare less favorably on this factor than the project having a $1,000 cost per job. Job retention and construction jobs will receive some consideration but will be given less weight in selection than the creation of new permanent jobs.

(2) HUD will consider whether the project includes a greater percentage of low- and moderate-jobs than other similar projects.

(3) HUD will consider whether the project contains a greater number of jobs on a percentage basis for CETA eligible persons (the structurally unemployed, underemployed or for persons from low- and moderate-income households) than other similar projects.

(f) *The amount of the leveraging ratio.* In selecting projects for funding, HUD will consider whether the amount of private leverage to be generated by a given project is greater than that of other projects of the same type. In other words, the higher the leveraging ratio, the more likely it is that the project will be selected for preliminary approval.

(g) *The impact of the proposed project on the fiscal base of the community.* The fiscal impact of the proposed project will be measured by the annualized increase in real estate and other taxes such as corporate, sales or income taxes accruing to the applicant's jurisdiction which the applicant may receive due to the proposed project.

In selecting projects for funding, HUD will consider whether a given project will generate a greater amount of tax revenues in relationship to the requested action grant amount than other projects. A project generating a $500,000 annual increase in property taxes for a million dollar action grant investment will fare better on this factor than a project generating a $100,000 increase in property taxes plus a $50,000 increase in city sales tax for a $2 million action grant investment. The respective ratios will be 50 cents per action grant dollar compared to 7.5 cents per action grant dollar. In addition, other revenues which the applicant may receive will be considered.

(h) *The impact of the proposed project on the physical conditions of the community.* (1) HUD will review each project to determine its effectiveness in alleviating physical distress within the community. HUD will also assess the impact of each project in relation to similar existing industrial, commercial and residential uses within the applicant's jurisdiction.

(2) In selecting projects for funding, HUD will consider whether the proposed project will restore and enhance the quality of the human environoment and/or avoid and minimize adverse effects on the environment and on historic properties. HUD will also consider whether or not the private developments in a given proposal include, where possible, a minimum one percent of total development costs for expenditures on the arts, such as sculptures, murals, etc.

(3) The physical impact of the project will be measured by comparing the present physical development of the project area and other areas with the future improvements proposed in the action grant project. For example, the standard of the existing housing stock will be compared to what the housing stock should be upon completion of the action grant project. If the project is to make those public improvements necessary to attract private industry to the site, then HUD will review the project in terms of the current land use and the potential created by the location of the particular industry at this particular site. HUD will also review the proposal to ascertain that other necessary services are available to support the project. Applicants are expected to consider the quality of the design of the project.

(i) *The impact of the proposed project on the economic conditions of the community.* HUD will consider the effect of the project on the economic base of the community by evaulating such factors as the mitigation of the impact of a major military base closing and the degree to which the proposal will assist areas experiencing a loss of businesses, jobs, and population.

(j) *The likelihood of accomplishing the project in a timely fashion within the total resources which will be provided.* HUD will consider such factors as the status of land assembly, zoning, building permits, and preparation of any necessary historic preservation clearances, as well as the applicants administrative and legal capability for accomplishing the project. Proposals will be considered to have a lesser degree of feasibility if they involve substantial additional planning, lengthy start-up time, or may be subject to major obstacles due to environmental or legal concerns. HUD expects projects to be completed within a four year period from the date of the announcement of preliminary funding approval.

(k) *The demonstrated performance of the applicant in carrying out housing and community development programs.* Performance shall be evaluated using such considerations as past compliance with HUD regulations and statutory requirements, progress in carrying out programs as planned, and the ability to complete programs in a timely fashion.

(l) *Extent of relocation caused by the project.* (1) Projects which will cause minimal displacement and disruption of occupants and jobs will be considered more favorably than those involving a substantial amount of displacement and disruption.

(2) If the project includes action grant funded or non-action grant funded activities which generate relocation, HUD will consider how the applicant's relocation plans and processes, including any proposed relocation advisory services, are to operate and whether they provide the opportunity for those displacees to relocate outside areas of low-income or minority concentration.

(3) A project which involves the relocation of industrial and commercial facilities within the applicant's jurisdiction will be reviewed to determine the impact of the relocation on low- and moderate-income and minority persons.

(4) The extent to which displaced businesses and low- and moderate-income residents and minorities will be given the opportunity to relocate to the project area upon completion will be considered.

(m) *Extent of citizen participation.* HUD will also consider the extent of citizen participation in the development and review of the application, as well as the provision of technical assistance to citizens' groups if such assistance has been requested and is appropriate.

(n) *Extent of minority business participation.* HUD will more favorably consider projects in which minorities are participants in the project. For example, they may be prime or subcontractors during development, major suppliers of construction goods, or equity investors, or they may participate in the project through leasing, ownership, or rehabilitation of property, on-going vendors and suppliers of goods and services, or as private participating parties.

(o) *Extent of assistance to be made available by the State.* HUD encourages the firm financial participation of the State in the project.

(p) *Extent of participation by other public entities.* HUD encourages other firm Federal financial participation such as SBA, EDA, and Farmers Home and will consider that participation in the selection of projects for funding.

(q) *Special or Unique Opportunity.* HUD will evaluate the extent to which the action grant program represents a special or unique opportunity to meet local priority needs which are consistent with the objectives of economic revitalization or reclamation of neighborhoods.

(r) *Extent of neighborhood impact.* HUD will more favorably consider those projects having a positive impact on the residents, particularly low- and moderate-income and minorities of the residential neighborhood in which the project is located, and on the neighborhood itself.

(s) *The impact of the proposed project on the special problems of low- and moderate-income persons and minorities.* The extent to which the proposed project eliminates or reduces the magnitude of the special problems of low- and moderate-income persons and minorities (e.g., the relative levels of unemployment and underemployment, discrimination in housing and employment, locational impaction, and lack of sufficient supportive services and facilities) will be considered. In making this determination, HUD will consider the benefits of the project to low- and moderate-income persons and minorities, such as the provision of employment or entrepreneurial opportunities, housing opportunities, or public or private facilities and improvements. Location of the proposed project, when it is clearly relevant to the question of what groups benefit, will be considered as one of the factors in evaluating the effectiveness of the project in benefitting low- and moderate-income persons and minorities.

(t) *The impact of the proposed project in increasing energy efficiency or conserving scarce fuels.* HUD will more favorably consider those projects which will increase energy efficiency or conserve scarce fuels. All other factors being equal, however, an energy conservation or alternative energy project from a community which is making a serious effort to identify and reduce energy waste on a community-wide basis will be more favorably considered than a project from a community which is making no effort in this regard.

(u) *Secretary's determination that the project requires action grant funds.* Preliminary funding approvals will only be made if the Secretary determines

(1) that the assurances made by the chief executive officer of the applicant that the action grant funds will not substitute for local funds which are available and committed to the project by line item specified in the applicant's local budget pursuant to § 570.458(15)(iv);

(2) that in his/her opinion, the private development would not occur unless the public funding becomes available pursuant to § 570.458(15)(iii);

(3) that the statements made by the private participating parties, that but for the receipt of the public funds requested, this project would not be built;

are satisfactory.

§ 570.460 HUD review and action on applications.

(a) *Submission and Review Schedule.* The following chart indicates dates for submission of pre-application requests for determination of eligibility, the full application, HUD review and consultation with the applicant, and the date by which the decision for preliminary approval will be made.

Determination of eligibility (pre-application; SF-424) to be submitted by	Application period	Review period	Decision date
Metro cities:			
Nov. 30	Jan. 1-31	Feb. 1-Mar. 31.	Mar. 31.
Feb. 28	Apr. 1-30	May 1-June 30.	June 30.
May 31	July 1-31	Aug. 1-Sept. 30.	Sept. 30.
Aug. 31	Oct. 1-31	Nov. 1-Dec. 31.	Dec. 31.
Small cities:			
Dec. 31	Feb. 1-28.....	Mar. 1-Apr. 30.	Apr. 30.
Mar. 31	May 1-31	June 1-July 31.	July 31.
June 30....	Aug. 1-31	Sept. 1-Oct. 31.	Oct. 31.
Sept. 30...	Nov. 1-30	Dec. 1-Jan. 31.	Jan. 31.

(1) HUD will accept applications from large cities and urban counties postmarked no later than the last day of the month during January, April, July, and October.

(2) HUD will accept applications from small cities postmarked no later than the last day of the month during February, May, August, and November.

(3) However, HUD encourages all cities and urban counties to submit their applications no later than the tenth day of the month in order to allow sufficient time for the community to enact suggestions made by HUD in preliminary reviews.

(4) Applications postmarked after the last day of the month in which they are to be submitted will not be considered until the following quarter.

(5) The original and one copy of the application must be submitted to the appropriate HUD Area Office and one copy submitted to HUD's Office of Urban Development Action Grants.

(b) *HUD Area Office Review.* Area Offices shall forward a copy of each application meeting the criteria of § 570.458 together with a position paper setting forth the Area Office comments and the Area Manager's recommendation to HUD Central Office. HUD Central Office shall evaluate applications on a comparative basis in accordance with the criteria for selection specified in § 570.459.

(c) *Central Office Action on Applications.* (1) Preliminary approval decisions will be made within two months after the deadline for submission of applications as shown in paragraph (a) of this section.

(2) Preliminary approval constitutes the first step in a process which may result in a signed grant agreement between the recipient and HUD and legally binding commitments between the recipient and the private sector. The

terms of the preliminary approval are not finalized until the recipient and HUD have executed a grant agreement setting forth the terms and conditions of the approved project and the responsibilities of all participating parties. Preliminary approval does not become final until legally binding commitments between the recipient and the private and public participating parties have been submitted and approved by HUD. Release of grant funds is contingent upon the recipient's meeting each and every condition set forth in the grant agreement.

(3) Any application not receiving prelininary funding approval in the first round in which it is accepted for consideration may be reconsidered for funding in the subsequent quarter, if there is a likelihood that the project will be funded in the future funding quarter.

(4) Any application not receiving preliminary funding approval after the second round will not receive further consideration, unless HUD and the applicant are actively negotiating the terms of the project. HUD shall use its discretion in making a determination whether to consider the application in a later funding round.

(5) The Secretary will notify the applicant in writing of the action taken on its application and the conditions under which the application may be reconsidered.

§ 570.461 Post preliminary approval requirements.

(a) *Execution of a grant agreement.* HUD and the recipient must sign a legally binding grant agreement (contract) which finalizes the terms and conditions of the action grant preliminary approval.

(b) *Submission of legally binding private commitments.* Recipients must submit for approval to HUD Central Office evidence of legally binding commitments from participating parties identified in the grant agreement. Copies must also be submitted to the Area Office. Recipients must also submit an opinion of counsel that the commitments are legally binding under State and local law and conform to the grant agreement executed by HUD and the recipient. The drawdown of grant funds is conditions upon the acceptance by HUD of the legally binding commitments as specified in the grant agreement.

(c) *Release of funds pursuant to HUD Environmental Review Procedures.* Recipients must comply with the provisions of § 570.603 concerning the release of funds for projects requiring environmental review. Except for administrative costs, environmental studies and certain relocation costs, no costs which are to be reimbursed or paid with grant funds may be drawn down until the environmental requirements have been met. However, the applicant should note that such costs will not be reimbursed if the legally binding commitments are not approved.

(d) *Performance according to schedule.* Action grant funding shall be conditioned upon the performance of the recipient in meeting the schedule set forth in its grant agreement. Failure to meet such schedule may result in the termination of the grant agreement or other remedial action.

(e) *Program Income.* Notwithstanding any other provisions of this part and unless otherwise provided in the grant agreement, program income received by the Recipient under this Subpart prior to completion of construction of all action grant funded activities shall be used to reimburse costs incurred for the activities. Such income shall be used instead of any draw under the letter of credit to the extent adequate to reimburse costs so incurred. Upon completion of the activities, program income shall be retained by the recipient and governed by the grant agreement. program income received subsequent to the completion of the action grant funded activities shall be used for the purposes specified in the grant agreement, and as such is considered miscellaneous revenue, the use of which is not governed by the provisions of this part.

(f) *Reporting requirements.* Commencing upon the date the applicant's preliminary funding approval is announced by HUD, applicants shall submit quarterly progress reports as specified by the Secretary of HUD. Failure to file such reports shall jeopardize preliminary approval status for previously approved action grants and shall be considered in the selection of future projects submitted by the applicant under demonstrated performance under § 570.459(k). Copies of the reports shall be submitted to the HUD area office and simultaneously to the Office of action Grants in Headquarters no more than 10 days following the end of each calendar quarter. Effective immediately, and until such time as further detailed reporting requirements are specified, the following information is to be provided:

(1) *Prior to removal of contract conditions.* Describe in detail each step the applicant has taken to secure the documentation needed to satisfy the conditions contained in the grant agreement. Also, describe those steps which remain to be taken and provide a schedule for their accomplishment. If problems have been encountered and the project is falling behind the schedules included in the application and the grant agreement, describe the nature of the problems, the steps being taken to resolve them, and estimate the time which will be required to overcome the problems.

(2) *After the contract conditions have been removed.* Describe in detail the implementation of the project including the status of construction contracts, plans and specifications, actual construction, temporary and permanent jobs, relocation of residents and tenants, etc. Also, include the amount of funding which has been obligated and the amount drawn down. If problems have been encountered and the project is falling behind the schedules included in the application and the grant agreement, describe the nature of the problems, the steps being taken to resolve them, and estimate the time which will be required to overcome the problems.

(3) *Project completion.* Reports will be required following the completion of construction of a project. They shall consist of information to be specified at a later date concerning the project's construction costs, its use of program income, tax revenues generated, etc. They shall also include data by job category and pay level, the number of jobs filled by unemployed and low income persons and by minorities.

§ 570.462 Project amendments and revisions.

(a) *Pre-approval revisions to the application.* Applicants must submit to the HUD Area Office and to Central Office all revisions to the application. If the revisions are significant, i.e., if they alter the scope, location, or scale of the project or change the beneficiaries' population, the following procedures must be followed:

(1) The applicant must resubmit the application to state and areawide clearinghouses. Such agencies will have 30 days to review significant revisions. If there is a question of significance, the applicant should consult directly with its clearinghouses.

(2) The applicant must hold at least one public hearing prior to making a significant revision to the application according to the procedures of § 570.454(a).

(b) *Post Preliminary Approval Amendments.* Applicants receiving preliminary approval must submit to the HUD Central Office, a request for approval of any significant amendment. A copy of the request must also be submitted to the Area Office. A significant amendment involves new action grant or non-action grant funded activities or alterations thereof which

will change the scope, location, scale, or beneficiaries of such activities or which, as a result of a number of smaller changes, add up to an amount that exceeds ten percent of the grant. HUD approval of amendments may be granted to those requests which meet all of the following criteria:

(1) New or significantly altered action grant and non-action grant funds activities must meet the criteria for selection applicable at the time of receipt of the program amendment.

(2) The recipient must have complied with all requirements of this subpart including A–95 and citizen participation as specified in paragraph (a) of this section and the provisions of 24 CFR Part 58 concerning environmental reviews.

(3) The recipient may make amendments other than those requiring prior HUD approval as defined in paragraph (b) of this section but each recipient must notify both the Area and Central Offices of such changes.

§ 570.463 Applicability of rules and regulations.

The provisions of Subparts A, B, C, J, K, and O of this Part 570 shall apply to this subpart except to the extent that they are modified or augmented by this subpart.

II. § 570.910 is amended by adding at the end thereof a new paragraph (b)(12) to read as follows:

§ 570.910 Corrective and remedial actions.

* * * * *

(b) * * *

(12) In the case of action grants made under Subpart G, adjust reduce or withdraw the grant, or take other action as appropriate in accordance with findings of reviews and audits made to determine the progress made in carrying out action grant funded and non-action grant funded activities substantially in accordance with approved plans and timetables except that funds already expended on otherwise eligible activities shall not be recaptured or deducted from future grants.

* * * * *

[Title I, Housing and Community Development Act of 1974 (42 U.S.C. § 5301 *et seq.*) Title I, Housing and Community Development Act of 1977 (Pub. L. 95–128); and Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. § 3535(d))]

Issued at Washington, D.C. April 10, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-14587 Filed 5-9-80; 8:45 am]

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federal register

Monday
May 12, 1980

Part III

Department of the Interior

Bureau of Land Management

Law Enforcement (Criminal) on Public Lands and Resources; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 9260

[Circular No. 2462]

Public Lands and Resources; Law Enforcement—Criminal

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This rulemaking locates in one subpart of Title 43 of the Code of Federal Regulations all law enforcement provisions that apply to public lands and resources. Presently, enforcement provisions are included throughout the individual regulations that apply to each regulated land use or activity in Title 43. This rulemaking will enable the public and Federal, State, and local law enforcement officers to find all of the criminal enforcement provisions that apply to public lands and resources in a single Part. Thus, this final rulemaking provides easy reference to all law enforcement regulations affecting public lands and resources.

EFFECTIVE DATE: May 12, 1980.

ADDRESS: Any suggestions or comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: George B. Hollis, 202–343–8735.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is George B. Hollis, Office of Legislation and Regulatory Management, assisted by personnel of the Division of Fire and Aviation Management, Bureau of Land management, and Paul Smyth, Office of the Solicitor of the Department of the Interior.

This rulemaking establishes Part 9260 in Title 43 of the Code of Federal Regulations (CFR). The new Part contains a compilation of all enforcement-related regulations applicable to public lands and resources. This rulemaking is for the convenience of persons who are visiting the public lands or are engaged in specific land use activities. In addition, the rulemaking will assist local Government and Federal enforcement officers to enforce laws and regulations on the public land by providing a single document that includes all of the applicable enforcement regulations.

Portions of the Trespass regulations under 43 CFR Part 9230 have not been included because some sections are out-of-date and require revision at a later date. When these regulations are revised, they will be published as proposed rulemaking.

For the convenience of those public land visitors or users who are engaged in specific land use activities, enforcement provisions, such as those relating to prohibited acts, will also remain as a part of the regulations relating to specific land use activities. For example, prohibited acts relating to range management and livestock grazing on public lands are included in the grazing regulations in Subchapter D—Range Management (4000).

Presently, there are only general references in Title 43 of the Code of Federal Regulations to certain criminal penalty provisions under Titles 16 and 18 of the United States Code. Specific penalty provisions under Title 16 (16 U.S.C. 460, 670, 1241–1249) and Title 18 (18 U.S.C. 1852, 1853, 3401) were not incorporated into Title 43, although they apply to several subparts of these final regulations. In order to make these regulations as complete a document as possible, specific penalty provisions described above are included in these final regulations for informational purposes.

This rulemaking makes no substantive change in Title 43 of the Code of Federal Regulations. It is in the public interest that this compilation of existing provisions of regulations be published as final rulemaking to be effective immediately. This is in accordance with the Administrative Procedures Act of 1966 (5 U.S.C. 553(b)(3)(A); 553(d)(3)). Even though proposed rulemaking and public participation prior to publication of this final rulemaking are considered unnecessary, comments or suggestions regarding the concept of maintaining a single Part in the Code of Federal Regulations for all enforcement provisions are invited.

Public participation in developing the enforcement provisions for any regulated land use or activity on public lands is a part of the rulemaking process for that specific land use or activity. Any new enforcement provisions developed in the future for any specific public land use or activity will involve public participation. After adoption of any new enforcement regulations, Part 9260 will be amended to include those new provisions, without further public participation.

This rulemaking adds no regulatory burden to the public but merely provides a convenient service of information to the public. Therefore, it is not considered a significant regulatory action and does not require a regulatory analysis under Executive Order 12044.

It is hereby determined that publication of this final rulemaking 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 (43 U.S.C. 4332(2)(C) is required.

Under the authority of section 303 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733) Group 9200, Subchapter I, Chapter II, Title 43 of the Code of Federal Regulations is amended by adding Part 9260 as set forth below.

Guy R. Martin,

Assistant Secretary of the Interior.

May 7, 1980.

PART 9260—LAW ENFORCEMENT—CRIMINAL

Subpart 9260—Law Enforcement, General

Sec.

9260.0–1 Purpose.
9260.0–2 Objectives.
9260.0–3 Authority.
9260.0–4 [Reserved]
9260.0–5 [Reserved]
9260.0–6 [Reserved]
9260.0–7 Penalties.
9260.0–8 [Reserved]
9260.0–9 [Reserved]

Subpart 9261—General Management [Reserved]

Subpart 9262—Land Resource Management [Reserved]

Subpart 9263—Minerals Management [Reserved]

Subpart 9264—Range Management

9264.0–3 Authority.
9264.1 Grazing Administration—Exclusive of Alaska.
9264.2 Grazing Administration—Alaska; Livestock [Reserved]
9264.3 Grazing Administration—Alaska; Reindeer [Reserved]
9264.7 Wild Free-Roaming Horse and Burro Protection, Management Control.

Subpart 9265—Timber Management

9265.0–3 Authority.
9265.4 Sales of Forest Products, General [Reserved]
9265.5 Non-sale Disposals, General

Subpart 9266—Wildlife Management

9266.0–3 Authority.
9266.4 Viable Coral Communities.

Subpart 9267—Water Management [Reserved]

Subpart 9268—Recreation Programs

9268.0–3 Authority.
9268.1 Cultural Resource Management [Reserved]
9268.2 Natural History Resource Management Procedures [Reserved]

9268.3 Recreation Management, Procedures.
9268.4 Visual Resource Management [Reserved]
9268.5 Wilderness Management [Reserved]
9268.6 Environmental Education and Protection [Reserved]

Subpart 9269—Technical Services

9269.0–3 Authority.
9269.3 Trespass.

Authority: 16 U.S.C. 433; 16 U.S.C. 460 *l*–6a; 16 U.S.C. 670 g-n; 16 U.S.C. 1241–1249; 16 U.S.C. 1331 et seq.; 18 U.S.C. 3401; 18 U.S.C. 1851–1853; 43 U.S.C. 315 et seq.; 43 U.S.C. 315(a); 43 U.S.C. 315(c); 43 U.S.C. 1061–1064; 43 U.S.C. 1334; 43 U.S.C. 1701 et seq.; 43 U.S.C. 1733.

Subpart 9260—Law Enforcement, General

§ 9260.0–1 Purpose.

This Part establishes a single regulatory section in Title 43 where the law enforcement provisions of all the various public land use regulations can be found.

§ 9260.0–2 Objective.

To provide in a single Part a compilation of all criminal violations relating to public lands that appear throughout Title 43 of the Code of Federal Regulations.

§ 9260.0–3 Authority.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733), the Secretary of the Interior is authorized to issue regulations with respect to the management, use, and protection of the public lands, including property located thereon, the violation of which is punishable as a criminal offense. Section 303(c) of the Act authorizes the Secretary to enter into contracts with appropriate local officials having law enforcement authority and to authorize Federal personnel to carry out the enforcement of Federal laws and regulations relating to the public lands and their resources. Section 303(d) of the Act authorizes the Secretary to enter into cooperative agreements with State and local regulatory and law enforcement officials for the enforcement of State laws and local ordinances on the public lands. In addition to general authority under FLPMA, other specific authorities are noted where applicable.

§ 9260.0–4 [Reserved]

§ 9260.0–5 [Reserved]

§ 9260.0–6 [Reserved]

§ 9260.0–7 Penalties.

Any person violating any provision of Part 9260 of this title shall be subject to the specific penalties as noted under this Part.

§ 9260.0–8 [Reserved]

§ 9260.0–9 [Reserved]

Subpart 9261—General Management [Reserved]

Subpart 9262—Land Resource Management [Reserved]

Subpart 9263—Minerals Management [Reserved]

Subpart 9264—Range Management

§ 9264.0–3 Authority.

(a) The provisions of this subpart are issued under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and section 2 of the Taylor Grazing Act of 1934 (43 U.S.C. 315 et seq.).

(b) The provisions of § 9264.7 of this title are issued under section 8 of the Wild Free-Roaming Horse and Burro Act of 1971 (16 U.S.C. 1331 et seq.).

§ 9264.1 Grazing Administration—Exclusive of Alaska.

Persons performing the following prohibited acts on public and other lands under Bureau of Land Management control may be subject to criminal penalties under § 9264.1 (1) of this title:

(a) Allowing livestock on or driving livestock across these lands without a permit or lease or in violation of the terms and conditions of a permit or lease, either by exceeding the number of livestock authorized, or by allowing livestock to be on these lands in an area or at a time different from that designated;

(b) Installing, using, maintaining, modifying, and/or removing range improvements without authorization;

(c) Cutting, burning, spraying, destroying, or removing vegetation without authorization;

(d) Damaging or removing United States property without authorization;

(e) Molesting livestock authorized to graze on these lands;

(f) Littering;

(g) Violating any provision of 43 CFR Part 4700 concerning the protection and management of wild free-roaming horses and burros;

(h) Violating any Federal or State laws or regulations concerning conservation or protection of natural and cultural resources or the environment including, but not limited to, those relating to air and water quality, protection of fish and wildlife, plants, and the use of chemical toxicants;

(i) Interfering with lawful uses or users;

(j) Knowingly or willfully making a false statement or representation in base property certification, grazing applications, and/or amendments thereto;

(k) Allowing privately owned or controlled indigenous animals on or driving them across these lands without a permit or lease or in violation of the terms and conditions of a permit or lease, either by exceeding the number of animals authorized, or by allowing indigenous animals to be on these lands in an area or at a time different from that designated.

(43 CFR 4140.1(b))

(*l*) Penalties.

(1) Under section 2 of the Taylor Grazing Act of 1934 (43 U.S.C. 315 et seq.), any person who willfully violates the provisions of § 9264.1 of this title or of approved special rules and regulations is punishable by a fine of not more than $500.

(43 CFR 4170.2–1)

(2) Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), any person who knowingly and willfully violates the provisions of § 9264.1 of this title or of approved special rules and regulations may be brought before a designated United States magistrate and is punishable by a fine of not more than $1,000 or imprisonment for no more than 12 months, or both.

(43 CFR 4170.2–2)

§ 9264.2 Grazing Administration; Alaska; Livestock [Reserved]

§ 9264.3 Grazing Administration; Alaska; Reindeer [Reserved]

§ 9264.7 Wild Free-Roaming Horse and Burro Protection, Management, and Control.

(a) *Prohibited Acts.* In accordance with section 8 of the Wild Free-Roaming Horse and Burro Act (16 U.S.C. 1338), any person who:

(1) Willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the authorized officer, or

(2) Converts a wild free-roaming horse or burro to private use, without authority from the authorized officer, or

(3) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) Processes, or permits to be processed, into commercial products the remains of a wild free-roaming horse or burro, or

(5) Sells, directly or indirectly, a wild free-roaming horse or burro, or the remains thereof, which have not lost their status as a wild free-roaming horse of burro, or

(6) Uses a wild free-roaming horse or burro for commercial exploitation, or

(7) Causes or is responsible for the inhumane treatment of a wild free-roaming horse or burro, or

(8) Uses a wild free-roaming horse or burro for bucking stock, or

(9) Fails, upon written notice, to produce for inspection by an authorized officer those animals assigned to him for private maintenance under a cooperative agreement, or

(10) Fails to notify the authorized officer of the death of a wild free-roaming horse or burro within 7 days of death pursuant to § 4740.4–2(f) of this title, or

(11) Removes or attempts to remove, alters or destroys any official mark identifying a wild horse or burro, or its remains, or

(12) Being the assignee of a wild free-roaming horse or burro, or having charge or custody of the animal, abandons the animal without making arrangements for necessary food, water and shelter, or

(13) Being the assignee of a wild free-roaming horse or burro, or having charge or custody of the animal, fails to diligently pursue in an attempt to capture the escaped animal, or

(14) Accepts for slaughter or destruction a horse or burro bearing an official Bureau of Land Management identification mark, and which is not accompanied by a certificate that title to the animal has been transferred, or

(15) After acceptance of an animal for slaughter or destruction, fails to retain for one year the certificate of title to a horse or burro bearing an official Bureau of Land Management identification mark, or

(16) Willfully violates any provisions of the regulations under § 9264.7 of this title shall be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a U.S. Commissioner or magistrate, designated for that purpose by the court by which he/she was appointed, in the same manner and subject to the same conditions as provided in section 3401, Title 18, U.S.C.

(43 CFR 4760.2; 18 U.S.C. 3401)

Subpart 9265—Timber Management

§ 9265.0–3 Authority.

The provisions of § 9265.5 of this title are issued under sections 1852 and 1853 of Title 18 of the United States Code unless otherwise specified.

§ 9265.4 Sales of Forest Products, General [Reserved]

§ 9265.5 Non-Sale Disposals, General

(a) *Free use of timber on mineral and non-mineral public lands.* Where permits are secured by fraud, or where timber is not taken or used in accordance with the terms of the law or §§ 5510.0–3(a) and 5511.1–1(a) to 5511.1–1(g) of this title, the Government may enforce the same civil and criminal liabilities as in other cases of timber trespass upon public lands. For criminal liability, see 18 U.S.C. 1852.

(43 CFR 5511.1–1(f)(3))

(b) *Free use of timber upon oil and gas leases.* Where permits are secured by fraud or timber is not used in accordance with § 5511.1–4 of this title, the Government will enforce the same civil and criminal liabilities as in other cases of timber trespass upon public lands.

(43 CFR 5511.1–4(e))

(c) *Unauthorized cutting of timber.* The cutting of timber from the public land in Alaska, other than in accordance with the terms of the law and §§ 5511.2–1 to 5511.2–6 of this title will render the persons responsible liable to the United States in a civil action for trespass and such persons may be prosecuted criminally under Title 18, U.S. Code, or under State law.

(43 CFR 5511.2–5)

(d) *Penalties.* Sections 1852 and 1853 of Title 18, United States Code, provide:

(1) *Timber removed or transported.* (i) Whoever cuts, or wantonly destroys any timber growing on the public lands of the United States; or

(ii) Whoever removes any timber from said public lands, with intent to export or to dispose of the same; or

(iii) Whoever, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle, or aircraft or the owner, director, or agent of any railroad, knowingly transports any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; nor shall it interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands.

(18 U.S.C. 1852)

(2) *Trees injured or cut.* Whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(18 U.S.C. 1853)

Subpart 9266—Wildlife Management

§ 9266.0–3 Authority.

The provisions of this subpart are issued under section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334).

§ 9266.4 Viable Coral Communities.

(a) *Requirement for a permit.* No person shall engage in any operation which directly causes damage or injury to a viable coral community that is located on the Outer Continental Shelf without having obtained a permit for said operations.

(43 CFR 6224.1–1)

(b) *Penalty.* Any person who knowingly and willingly violates the regulations of § 9266.4 of this title shall be guilty of a misdemeanor and punishable by a fine of not more than $2,000 or imprisonment for not more than 6 months or by both such fine and imprisonment. Each day of violation shall be deemed a separate offense.

(43 CFR 6224.5)

Subpart 9267—Water Management [Reserved]

Subpart 9268—Recreation Programs

§ 9268.0–3 Authority.

The provisions of this subpart are issued under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733), and other authorities where specifically noted.

(43 CFR 8340.0–3)

§ 9268.1 Cultural Resource Management [Reserved]

§ 9268.2 Natural History Resource Management Procedures [Reserved]

§ 9268.3 Recreation Management—Procedures.

(a) *Off-road vehicles, use of public lands*—(1) *Applicability.* The regulations in this subpart apply to all public lands, roads and trails under administration of the Bureau of Land Management.

(43 CFR 8340.0–8)

(2) *Conditions of use—regulations governing use.* (i) The operation of off-road vehicles is permitted on those areas and trails designated as open to off-road vehicle use.

(ii) Any person operating an off-road vehicle on those areas and trails designated as limited shall conform to all terms and conditions of the applicable designation orders.

(iii) The operation of off-road vehicles is prohibited on those areas and trails closed to off-road vehicle use.

(iv) It is prohibited to operate an off-road vehicle in violation of State laws and regulations relating to use, standards, registration, operation, and inspection of off-road vehicles. To the extent that State laws and regulations do not exist or are less stringent than the regulations in Part 8340 of this title, the regulations in this Part are minimum standards and are controlling.

(v) No person may operate an off-road vehicle on public lands without a valid State operator's license or learner's permit. Exceptions are:

(A) A person under the direct supervision of an individual 18 years of age or older who has a valid operator's license and who is responsible for the acts of the person supervised.

(B) A person certified by State government as competent to drive off-road vehicles after successfully completing a State approved operator's training program.

(C) Operation of an off-road vehicle in areas of Alaska designated by the Bureau's State Director for Alaska.

(vi) Any person supervising a nonlicensed driver shall be responsible for the operation of the vehicle and shall be responsible for the actions of the driver.

(vii) No person shall operate an off-road vehicle on public lands:

(A) In a reckless, careless, or negligent manner;

(B) In excess of established speed limits;

(C) While under the influence of alcohol, narcotics, or dangerous drugs;

(D) In a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands; and

(E) During night hours, from a half-hour after sunset to a half-hour before sunrise, without lighted headlights and taillights.

(viii) Drivers of off-road vehicles shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal-drawn vehicles.

(ix) Any person who operates an off-road vehicle on public lands must comply with the regulations in Part 8340 and § 8341.2 of this title as applicable, while operating such vehicle on public lands.

(43 CFR 8341.1)

(3) *Vehicle operations—standards.* (i) No off-road vehicle may be operated on public lands unless equipped with brakes in good working condition.

(ii) No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise exceeding Environmental Protection Agency standards, when established, may be operated on public lands.

(iii) By posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau offices, the authorized officer may indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrester. The spark arrester must meet either the U.S. Department of Agriculture—Forest Service Standard 5100–1a, or the 80 percent efficiency level standard when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350. These standards include, among others, the requirements that:

(A) The spark arrester shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and

(B) The spark arrester has been warranted by its manufacturer as meeting this efficiency requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation. A spark arrester is not required when an off-road vehicle is being operated in an area which has 3 or more inches of snow on the ground.

(iv) Vehicles operating during night hours, from a half-hour after sunset to a half-hour before sunrise, shall comply with the following:

(A) Headlights shall be of sufficient power to illuminate an object at 300 feet at night under normal, clear atmospheric conditions. Two- or three-wheeled vehicles or single-tracked vehicles will have a minimum of one headlight. Vehicles having four or more wheels or more than a single track will have a minimum of two headlights, except double tracked snowmachines with a maximum capacity of two people may have only one headlight.

(B) Red taillights, capable of being seen at a distance of 500 feet from the rear at night under normal, clear atmospheric conditions, are required on vehicles in the same numbers as headlights.

(43 CFR 8343.1)

(4) *Penalties.* Any person who violates or fails to comply with the regulations of § 9268.3 of this title is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1,000 or imprisonment for not longer than 12 months, or both.

(43 CFR 8340.0–7

(b) *Management areas.* [Reserved]

(c) *Operations—Rules of conduct*—(1) *Developed sites and areas.* The following rules are adopted to protect public property and to conserve the resources in developed recreation sites for public use and enjoyment. The user shall not:

(i) Intentionally or wantonly destroy, deface or remove any natural feature or plant;

(ii) Intentionally or wantonly destroy, injure, deface, remove, or disturb in any manner any public building, sign, equipment, marker, or other structure or property.

(43 CFR 8363.1–6)

(2) *Undeveloped sites and areas—prohibited activities.* In the use of lands for public outdoor recreation purposes, no one shall:

(i)intentionally or wantonly destroy, deface, injure, sign, remove or disturb any public building, sign, equipment, marker, or other public property;

(ii) Harvest or remove any vegetative or mineral resources or object of antiquity, historic, or scientific interest unless such removal is in accordance with Part 3 or § 8363.2–1 of this title, or is otherwise authorized by law;

(iii) Appropriate, mutilate, deface, or destroy any natural feature, object of natural beauty, antiquity, or other public or private property;

(iv) Dig, remove, or destroy any tree or shrub;

(v) Gather or collect renewable or nonrenewable resources for the purpose of sale or barter unless specifically permitted or authorized by law;

(vi) Drive or operate motorized vehicles or otherwise conduct himself in

a manner that may result in unnecessary frightening or chasing of people or domestic livestock and wildlife;

(vii) Use motorized mechanical devices or explosives for digging, scraping, or trenching for purposes of collecting.

(43 CFR 8363.2–2)

(3) *Penalties.* Any person who knowingly and willfully violates any rule of conduct described in §§ 9268.3(c)(1) and (2) of this title shall be fined not more than $1,000 or imprisoned for not more than 12 months, or both.

(43 CFR 3, 16 U.S.C. 433; and 43 CFR 8363.5)

(d) *Operations—closures*—(1) *Closure of Lands.* In the management of lands to protect the public and assure proper resource utilization, conservation, and protection, public use and travel may be temporarily restricted. For instance, areas may be closed during period of high fire danger or unsafe conditions, or where use will interfere with or delay mineral development, timber and livestock operations, or other authorized use of the lands. Areas may also be closed temporarily to:

(i) Protect the public health and safety;

(ii) Prevent excessive erosion;

(iii) Prevent unnecessary destruction of plant life and wildlife habitat;

(iv) Protect the natural environment;

(v) Preserve areas having cultural or historical value; or

(vi) Protect scientific studies or preserve scientific values.

(43 CFR 8364.1)

(2) *Penalties.* Any person who knowingly and willfully violates any closure order issued under § 9268.3(c)(2) of this title shall be fined not more than $1,000 or imprisoned for not more than 12 months, or both.

(43 CFR 8364.2)

(e) *Use authorization*—(1) *Rules for visitor uses, other than on developed recreation sites—enforcement.* Failure to pay any fee or failure to obtain a permit required by Subpart 8372 of this title or operating with a suspended permit shall be punishable pursuant to the Federal Land Policy and Management Act of 1976, the Land and Water Conservation Fund Act, as amended, the Wild and Scenic Rivers Act, the National Trails Act, the Sikes Act, and other laws when applicable [see § 9268.3(e)(2)].

(43 CFR 8372.0–7)

(2) *Penalties.* (i) Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733) provides: any person who knowingly and willfully violates any such regulation which is lawfully issued under Title 18 of the United States Code shall be fined no more than $1,000 or imprisoned no more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of Title 18 of the United States Code.

(ii) Section 2, Land and Water Conservation Fund Act of 1964 (16 U.S.C. 460 *l*–6a), provides that any person violating the rules and regulations issued under Title 16 of the United States Code shall be punishable by a fine of not more than $100.

Any person so arrested may be tried and sentenced by any United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in Title 18, United States Code, section 3401, subsection (b), (c), (d), and (e), as amended.

(iii) Section 204(a) of the Sikes Act of 1974 (16 U.S.C. 670g–n), provides that:

(A) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this Act without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than $1,000, or imprisoned for not more than 6 months, or both.

(B) Any person who knowingly violates or fails to comply with any regulations prescribed under section 670h(c)(5) of Title 16 of the United States Code shall be fined not more than $500, or imprisoned not more than six months, or both.

(iv) Section 7 of the National Trails Act of 1968 (16 U.S.C. 1241–1249), provides: Any person who violates such regulations issued under Title 16 of the United States Code, and deemed necessary by the Secretary of the Interior, shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding 6 months, or by both such fine and imprisonment.

§ 9268.4 Visual Resource Management [Reserved]

§ 9268.5 Wilderness Management [Reserved]

§ 9268.6 Environmental Education and Protection [Reserved]

Subpart 9269—Technical Services

§ 9269.0–3 Authority.

(a) The provisions of this subpart are issued under the authority of R.S. 2478; 43 U.S.C. 1201.

(b) In addition to liability for trespass on the public lands, as indicated in Parts 9230 and 9260 of this title, persons responsible for such trespass may be prosecuted criminally under any applicable Federal law. Penalties are prescribed by the following statutes:

(1) Timber trespass. 18 U.S.C. 1852, 1953.

(2) Turpentine trespass. 18 U.S.C. 1854.

(3) Coal trespass. 18 U.S.C. 1851, 30 U.S.C. 201[b)(4).

(43 CFR 9239.0–3)

§ 9269.3 Criminal Trespass.

§ 9269.3–1 General Management [Reserved]

§ 9269.3–2 Land Resource Management [Reserved]

§ 9269.3–3 Minerals Management

(a) *Oil and gas leasing.* [Reserved]

(b) *Geothermal resources leasing.* [Reserved]

(c) *Outer continental shelf leasing.* [Reserved]

(d) *Coal management*—(1) *Trespass.* Mining operations conducted prior to the effective date of a lease shall constitute an act of trespass and be subject to penalties specified in § 9239.5 of this title.

(43 CFR 3430.7)

(2) *Penalty for unauthorized exploration for coal.* (i) Any person who willfully conducts coal exploration for commercial purposes without an exploration license issued under subpart 3410 of this title shall be subject to a fine of not more than $1,000 for each day of violation.

(ii) All data collected by said person on any Federal lands as a result of such violations shall immediately be made available to the Secretary, who shall make the data available to the public as soon as possible.

(iii) No penalty under this section may be assessed unless such person is given notice and opportunity for a hearing

with respect to such violation pursuant to Part 4 of this title.

(43 CFR 9239.5–3(f))

(e) *Minerals other than oil, gas and coal.* [Reserved]

(f) *Minerals materials disposal.* [Reserved]

(g) *Multiple use mining.* [Reserved]

(h) *Mining claims under the general mining laws.* [Reserved]

§ 9269.3–4 Range Management.

(a) *Grazing administration—exclusive of Alaska*—(1) *Unlawful enclosures or occupancy.* Section 1 of the Act of February 25, 1885 (43 U.S.C. 1061), declares any enclosure of public lands made or maintained by any party, association, or corporation who "had no claim or color of title made or acquired in good faith, or an asserted right thereto, by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such enclosure was or shall be made" to be unlawful and prohibits the maintenance or erection thereof. (See § 9269.3–4(a)(2) of this title.

(43 CFR 9239.2)

(2) *Penalties.* Under section 4 of the Act of February 25, 1885 (43 U.S.C. 1064), any person violating any of the provisions of this Act, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined a sum not exceeding $1,000, or be imprisoned not exceeding one year, or both, for each offense.

(b) *Grazing administration; Alaska; livestock.* (1) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of Part 9230 of this title or within an stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for forage consumed and for injury to Federal property, and may be subject to criminal prosecution for such unlawful acts. A lessee who grazes livestock in violation of the terms and conditions of his lease by exceeding numbers specified, of by allowing the livestock to be on Federal land in an area or at a time different from that designated in his lease shall be in default and shall be subject to the provisions of § 4220.7 (g) and (h) of this title.

(2) *Penalties.* Under section 2 of the Taylor Grazing Act, any person who willfully grazes livestock in such areas without such authority shall, upon conviction, be punished by a fine of not more than $500.

(43 CFR 9239.3(b))

(c) *Grazing administration; Alaska; reindeer.* (1) Any use of the Federal lands for reindeer grazing purposes, unless authorized by a valid permit issued in accordance with the regulations in Part 4300 of this title, is unlawful and is prohibited.

(43 CFR 9239.3(a)(1))

(2) *Penalties.* Any person who willfully violates any of the rules and regulations in Part 4300 of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment for not more than one year, or by a fine of not more than $500.

(43 CFR 9239.3(a)(2))

(d) *Wild free-roaming horse and burro protection, management, and control.* [Reserved]

§ 9269.3–5 Timber Management.

(a) *Sales of forest products; general.* [Reserved]

(b) *Non-sale disposals; general*—(1) *Unauthorized cutting of timber-mineral and non-mineral lands.* (i) The cutting or removing of the timber referred to in §§ 5511.1 to 5511.1–4 of this title in any other manner than that authorized by such sections will be considered a trespass.

(ii) The cutting of timber for sale and speculation, or for use by others than the permittee, is strictly prohibited.

(iii) Where permits are secured by fraud or timber is not used in accordance with § 5511.1–4 of this title, the Government will enforce the same civil and criminal liabilities as in other cases of timber trespass upon public lands.

(43 CFR 9239.1–1)

(2) *Unauthorized cutting of timber—Alaska.* The cutting of the timber from the public land in Alaska, other than in accordance with the terms of the law and §§ 5511.2 to 5511.2–6 of this title shall render the persons responsible for trespass and such persons may be prosecuted criminally under Title 18, U.S. Code (see § 9265.5(d) of this title), or under State law.

(18 U.S.C. 1852 and 1853; 43 CFR 9239.1–2)

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Monday
May 12, 1980

Part IV

Department of the Interior

Bureau of Land Management

Leases, Permits and Easements; Proposed Rules on Land Use Authorizations Under the Federal Land Policy and Management Act

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts, 9, 2920

Leases, Permits, and Easements; Land Use Authorizations Under the Federal Land Policy and Management Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: Section 302 of the Federal Land Policy and Management Act of 1976 authorizes the Secretary of the Interior to regulate through easements, permits, leases or other instruments, the use occupancy and development of the public lands. This proposed rulemaking provides the procedure under which the authority will be exercised.

DATE: Comments by July 11, 1980.

ADDRESS: Send comments to: Director (650) Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ralph Conrad (202(343–8693 or Robert C. Bruce (202) 343–8735.

SUPPLEMENTARY INFORMATION: Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)), authorizes the Secretary of the Iterior to regulate through easements, permits, leases or other instruments, the non-Federal use, occupancy and development of the public lands. This proposed rulemaking sets forth the procedure that the Department of the Interior intends to use to carry out the authority granted by section 302(b).

The proposed rulemaking provides that three types of instruments will be used to authorize use of the public lands. A permit with limited tenure will be utilized for short-term temporary uses, a lease will be utilized for long-term relatively permanent type uses, and an easement will be used as a long-term covenant between the United States and a non-Federal entity to insure that certain public lands will be used for specific purposes or that certain specified uses will not occur on the public lands.

The authority to issue permits, leases and easements will be delegated to District Managers. This delegated authority will be subject to an appeal procedure under Part 4 of Title 43 of the Code of Federal Regulations by an adversely affected party for review by the Interior Board of Land Appeals. Also subject to appeal under Part 4, is the determination of consistency, including a determination by the Interior Board of Land Appeals as to whether the Bureau followed its established procedure in finalizing the land use plan that is the basis of the consistency determination.

The proposed rulemaking makes all land use authorizations subject to the Bureau of Land Management's land use planning system and no land use will be authorized that is inconsistent with or specifically prohibited by a land use plan. However, the Bureau's land use planning system does allow existing land use plans to be amended or revised to permit a land use not contemplated by an existing plan if that use is compatible with the plan. It also provides a precedure for considering proposals for an area not covered by a land use plan.

The proposed rulemaking requires the payment of fair market value for the use of the public lands and also imposes cost recovery provisions on land use authorizations considered under them.

The proposed rulemaking provides for the Bureau of Land Management to offer permits, leases and easements on its own initiative. It also provides a precedure whereby any person can make proposals to the Bureau for use of the public lands under a lease, permit or easement. These proposals are given consideration and can result in the issuance of a Notice of Realty Action calling for the submission of applications for the land use authorization discussed in the Notice. The applications will be reviewed and a selected applicant will be picked from those filing applications for the issuance of a land use authorization.

The proposed rulemaking categorizes the major types of uses which could be authorized under its provisions. Among the uses included are agricultural, residential, business, industrial, commercial, advertising, research projects, military maneuvers (State National Guard) and motion picture filming, to name just a few. Recreational concessions are considered business uses and will be covered by the proposed rulemaking. Uses such as timber management, grazing administration and mineral resource leasing are covered under separate regulations and would not be authorized under this proposed rulemaking.

The proposed rulemaking contains provisions for issuing land use authorizations on a competitive or non-competitive basis. The criteria to be used by the authorized officer in making the determination are whether competitive interests exist or whether equities warrant non-competitive land use authorizations.

The principal authors of this proposed rulemaking are Ms. Eleanor R. Schwartz of the Office of Legislation and Regulatory Management, Bureau of Land Management, Mr. Paul Smyth of the Office of the Solicitor, Department of the Interior, assisted by the staffs of the Division of Lands and Realty and the Office of Legislation and Regulatory Management, 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.

The Department of the Interior has determined that this document is not a significant regulatory action and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732), it is proposed to amend Subtitle A and Group 2900, Subchapter B, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

PART 9—LEASES, PERMITS, AND EASEMENTS FOR PUBLIC WORKS [DELETED]

1. Subtitle A is revised by deleting Part 9 in its entirety.

2. Group 2900 is amended by revising Part 2920 as follows:

PART 2920—LEASES, PERMITS AND EASEMENTS

Subpart 2920—Leases, Permits, and Easements—General Provisions

Sec.

2920.0–3 Authority.
2920.0–5 Definitions.
2920.0–6 Policy.
2920.1 Uses authorized.
2920.2 Procedures.
2920.2–1 Discussion of land use proposal.
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2920.2–3 Submission of land use proposals.
2920.2–4 Proposal content.
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2920.3 Notice of realty action.
2920.4 Application procedure.
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2920.4–2 Application content.
2920.4–3 Application review.
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2920.4–5 Application processing.
2920.5 Reimbursement of costs.

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2920.6 Terms and conditions.
2920.7 Fees.
2920.8 Supervision of the land use authorization.
2920.8–1 Construction phase.
2920.8–2 Operation and maintenance.
2920.8–3 Termination and suspension.

Authority: Sec. 302, Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732).

PART 2920—LEASES, PERMITS, AND EASEMENTS

Subpart 2920—General Provisions

§ 2920.0–3 Authority.

Sections 302 and 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732, 1740), authorize the Secretary of the Interior to issue regulations providing for the use, occupancy and development of the public lands through leases, permits and easements.

§ 2920.0–5 Definitions.

As used in this part, the term:

(a) "Authorized officer" means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described in this part.

(b) "Easement" means an authorization for a non-possessory, non-exclusive interest in lands which specifies the rights of the holder and the obligation of the Bureau of Land Management to use and manage the lands in a manner consistent with the terms of the easement.

(c) "Lease" means an authorization to possess and use public lands for a fixed period of time.

(d) "Permit" means a short-term revocable authorization to use public lands for specified purposes.

(e) "Land use proposal" means an informal statement, in writing, from any person to the authorized officer requesting consideration of a specified use of the public lands.

(f) "Land use plan" means resource management plans or management framework plans prepared by the Bureau of Land Management pursuant to its land use planning system.

(g) "Public lands" means lands or interests in lands administered by the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts and Eskimos.

(h) "Person" means any person or entity legally capable of conveying and holding lands or interests therein, under the laws of the State within which the lands or interests therein are located, who is a citizen of the United States, or in the case of a corporation, is subject to the laws of any State or of the United States.

(i) "Proponent" means any person who submits a land use proposal, either on his/her own initiative or in response to a notice for submission of such proposals.

(j) "Applicant" means any person who submits an application for a land use authorization in response to a notice of realty action issued under this part.

§ 2920.0–6 Policy.

Land use authorizations shall be issued only at fair market value and only for those uses that are consistent with Bureau of Land Management policy, objectives and resource management programs. Consistency of land use authorizations will be determined through the planning process and procedures provided in Part 1600 of this title.

§ 2920.1 Uses authorized.

Uses not specifically authorized under other laws or regulations and not specifically forbidden by law may be authorized under this part. Uses which may be authorized include residential, agricultural, industrial and commercial uses, and uses which cannot be authorized under title V of the Federal Land Policy and Management Act or section 28 of the Mineral Leasing Act. Land use authorizations shall be granted under the following categories:

(a) Leases shall be used to authorize uses of public lands involving substantial construction, development or land improvement and the investment of large amounts of capital which are to be amortized over time. A lease conveys a possessory interest and is revocable only in accordance with its terms. Leases shall be issued for a term, not to exceed 30 years, that is consistent with the time required to amortize the capital investment.

(b) Permits shall be used to authorize uses of public lands for not to exceed 1 year that involve either little or no land improvement, construction or investment, or investment which can be amortized within the 1-year term of the permit. A permit conveys no possessory interest and is both revocable and renewable at the discretion of the authorized officer. Permits shall be issued on a form approved by the Director, Bureau of Land Management.

(c) Easements may be used to assure that uses of public lands are compatible with non-Federal uses occurring on adjacent or nearby land. An easement granted under this part may only be for purposes not authorized under title V of the Federal Land Policy and Management Act or section 28 of the Mineral Leasing Act.

§ 2920.2 Proposal procedures.

§ 2920.2–1 Discussion of land use proposal.

(a) *Suggestions by land use proponent.* Any person who seeks to use public lands may contact the Bureau of Land Management office having jurisdiction over the public lands in question and discuss the land use proposal. This contact should be made as early as possible so that administrative requirements and potential conflicts with other land uses can be identified.

(b) *Response by the authorized officer.* The authorized officer will discuss with the land use proponent the suitability or non-suitability of the requested land use based on a preliminary examination of existing land use plans, where available, Bureau of Land Management policies and programs for the lands, local zoning ordinances and any other pertinent information. The authorized officer will discuss administrative requirements for the type of land use authorization which may be granted (lease, permit or easement), including, but not limited to: additional information which may be required; qualifications; cost reimbursement requirements; associated clearances, other permits or licenses which may be required; environmental and management considerations; and special requirements such as competitive bidding and identification of on-the-ground investigations which may be required in order to issue a land use authorization.

§ 2920.2–2 Identification of need or suitability of lands through land use planning.

Where, as a result of the land use planning process, the desirability of allowing use of the public lands or providing increased service to the public from such use of the public lands is demonstrated, the authorized officer may designate a use for the public lands and notify the public that proposals for utilizing the land through a lease, permit or easement will be considered.

§ 2920.2–3 Submission of land use proposals.

(a) A proposal for a land use authorization shall be submitted in writing to the Bureau of Land Management office having jurisdiction over the public lands covered by the proposal.

(b) The submission of a proposal gives no right to use the public lands.

§ 2920.2-4 Proposal content.

(a) Proposals for a land use authorization shall include a description of the proposed land use in sufficient detail to enable the authorized officer to evaluate the feasibility of the proposed land use, the impacts, if any, on the environment, the public or other benefits from the proposed land use, the approximate cost of the proposal, any threat to the public health and safety posed by the proposal and whether the proposal is, in the proponent's opinion, consistent with Bureau of Land Management plans, programs and policies for the public lands covered by the proposal. The description shall include, but not be limited to:

(1) Details of the proposed uses and activities;

(2) A description of all facilities for which authorization is sought, access needs and special types of easements that may be needed;

(3) A map and legal description of primary and alternative project locations; and

(4) A schedule for construction of any facilities.

(b) The proposal shall include the name, legal mailing address and telephone number of the land use proponent.

§ 2920.2-5 Proposal review.

(a) A land use proposal shall, upon submission, be reviewed to determine if the public lands covered by the proposal are appropriate for the proposed land use and if the proposal is otherwise legal.

(b) If the proposal is found to be appropriate for further consideration, the authorized officer shall examine the proposal and make one of the following determinations:

(1) The proposed land use is in conformance with the appropriate land use plan and can be approved;

(2) The proposed land use has not been addressed in a land use plan and shall be addressed in accordance with the procedure in Part 1600 of this title;

(3) The proposed land use is in an area not covered in a land use plan and shall be processed in accordance with the procedure in Part 1600 of this title; or

(4) The proposed land use is inconsistent with the plan. This determination may be appealed under 43 CFR 4.400 for review of the question of consistency with the land use plan.

(c)(1) If a proposed land use does not meet the requirements of this subpart or has been found to be inconsistent with the land use plan, the authorized officer shall so advise the proponent and shall provide a written explanation of the reasons the proposed use does not meet the requirements of this subpart and/or is inconsistent.

(2) Where a proposed land use is determined to be inconsistent with the land use plan, the authorized officer may consider the proposal for land use as an application to amend or revise the plan under 43 CFR 1601.4-3 of this title.

§ 2920.3 Notice of realty action.

(a) A notice of realty action indicating the availability of public lands for non-Federal uses through lease, permit or easement shall be issued, published and sent to parties of interest by the authorized officer when a determination has been made that such public lands are available for a particular use. The notice of realty action may be waived by the authorized officer for permits if he/she determines that the use to be permitted is noncontroversial and consistent with Part 1600 of this title.

(b) The notice shall include the use proposed for the public lands and shall notify the public that applications for a lease, permit or easement shall be considered. The notice shall specify the form of negotiation, whether by competitive or non-competitive bidding, under which the land use authorization shall be issued. A notice of realty action is not a specific action implementing a resource management plan or amendment.

(c) The notice of realty action shall be published once in the **Federal Register** and once a week for 3 weeks thereafter in a newspaper of general circulation in the vicinity of the public lands included in the land use proposal. The publication requirement may be waived by the authorized officer for permits if he/she determines that the permit is noncontroversial and consistent with Part 1600 of this title.

(d) An application submitted before a notice of realty action is published shall not be processed and shall be returned to the person who submitted it. Return of an application shall not be subject to appeal or protest.

§ 2920.4 Application procedure.

§ 2920.4-1 Filing of applications for land use authorizations.

(a) Only after publication of a notice of realty action shall an application for a land use authorization be filed with the Bureau of Land Management office having jurisdiction over the public lands covered by the application.

(b) The filing of an application gives no right to use the public lands.

§ 2920.4-2 Application content.

(a) Applications for land use authorizations shall include a reference to the notice of realty action under which the application is filed and a description of the proposed land use in sufficient detail to enable the authorized officer to evaluate the feasibility of the proposed land use, the impacts, if any, on the environment, the public or other benefits from the land use, the approximate cost of the proposed land use, any threat to the public health and safety posed by the proposed use and whether the proposed use is, in the opinion of the applicant, consistent with the Bureau of Land Management plans, programs and policies for the public lands covered by the proposed use. The description shall include, but not be limited to:

(1) Details of the proposed uses and activities;

(2) A description of all facilities for which authorization is sought, access needs and special types of easements that may be needed;

(3) A map and legal descrition of primary and alternative project locations; and

(4) A schedule for construction of any facilities.

(b) Additional information:

(1) After review of the project description, the authorized officer may require the applicant to perform additional studies or submit additional environmental data, or both, so as to enable the Bureau of Land Management to prepare an environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470); The Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.); Executive Order 11593, "Protection and Enhancement of the Cultural Environment" of May 13, 1971 (36 FR 8921); "Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 300); and other laws and regulations as applicable.

(2) Applications for the use of public lands may require additional private, State, local or other Federal agency licenses, permits, easements, certificates or other approval documents. The authorized officer may require the applicant to furnish such documents, or proof of application for such documents, as part of the application.

(3) The authorized officer may require evidence that the applicant has, or prior to commencement of construction will have, the technical and financial capability to construct, operate, maintain and terminate the authorized land use.

(c) The application shall include the name and legal mailing address of the applicant.

(d) *Individuals.* The applicant shall include a statement that the individual is of legal age under the laws of the State in which the use will occur and is a citizen of the United States or has declared his/her intention to become a citizen.

(e) *Business Associations.* If the applicant is other than an individual, the application shall include the name and address of an agent authorized to receive notice of actions pertaining to the application.

(f) *Corporations.* A corporation shall file:

(1) A copy of its charter or articles of incorporation.

(2) Evidence that it is entitled to operate in the State where the public lands are located.

(3) A copy of the resolution or bylaws of the corporation or other document authorizing the filing of the application.

(4) If the corporation has previously filed with the Bureau of Land Management the documents required by this subsection, reference can be made to the previous filing by date, office and case number for subsequent applications. The corporation shall amend this information as necessary or certify that it is still correct.

(g) *Partnership, association and other incorporated entities.* The application shall include a certified copy of the articles of association or partnership or other similiar document creating the entity. If there are none, or is signing authority is not provided for in the document, the application shall be signed by each member of the entity and each signer shall furnish a statement that he/she is a member.

(h) *State and local government agencies and instrumentalities.* State and local government agencies and instrumentalities shall file a copy of the authorization under which the application is made. A public corporation shall cite the law under which it was formed and provide proof of organization under the law and a copy of the resolution requesting the action.

(i) *Federal departments and agencies.* Federal departments and agencies are not qualified to hold land use authorizations under this authority.

(j) If any of the information required in this section has already been submitted as part of a land use proposal submitted under § 2920.2 of this title, the application need only refer to that proposal by filing date, office and case number. The applicant shall certify that there have been no changes in any of the information.

§ 2920.4–3 Application review.

Every application shall be reviewed to determine if it conforms to the notice of realty action. If the application does not meet the requirements of this subpart, the applicant shall be so advised in writing, with an explanation.

§ 2920.4–4 Competitive or non-competitive bids.

(a) *Competitive.* Land use authorizations may be offered on a competitive basis if, in the judgment of the authorized officer, a competitive interest exists or if no equities, such as prior use of the lands, warrant non-competitive land use authorization. Land use authorizations shall be awarded on the basis of the public benefit to be provided, the financial and technical capability of the bidder to undertake the project and the bid offered. A bid at less than fair market value shall not be considered. Each bidder shall submit information required by the notice of realty action.

(b) *Non-competitive.* Land use authorizations may be offered on a negotiated, non-competitive basis, when, in the judgment of the authorized officer equities, such as prior use of the lands, exist, no competitive interest exists or where competitive bidding would represent unfair competitive and economic disadvantage to the originator of the unique land use concept. The non-competitive bid shall not be for less than fair market value.

§ 2920.4–5 Application processing.

(a) After review of applications filed, the authorized officer shall select one application for further processing using the procedures set out in the notice of realty action. The authorized officer shall provide public notice of the selection of an applicant and notify the selected applicant, in writing, of the selection. All other applications shall be rejected and returned to the applicants.

(b) The selected land use applicant shall, upon the request of the authorized officer, submit a project description which shall be reviewed by the authorized officer.

§ 2920.5 Reimbursement of costs.

(a) The selected land use applicant shall reimburse the United States for reasonable administrative and other costs incurred by the United States in processing a land use authorization application and in monitoring construction, operation, maintenance and rehabilitation of facilities authorized under this part, including preparation of reports and statements required by the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.). The reimbursement of costs shall be in accordance with the provisions of § 2803.1–1 of this title.

(b) The authorized officer may, before beginning any processing of a land use authorization application, require payment, as may be needed, to cover the estimated costs of processing the application. Before granting a land use authorization, the authorized officer shall assess and collect the actual costs of processing after furnishing the applicant with a statement of costs. This payment shall be determined in accordance with the provisions of § 2803.1–1 of this title.

(c) A selected applicant who withdraws a land use application before a final decision is reached on the authorization is responsible for all costs incurred by the United States in processing the application up to the day that the authorized officer receives notice of the withdrawal and for costs subsequently incurred by the United States in terminating the proposed land use authorization process. Reimbursement of such costs shall be paid within 30 days of receipt of notice from the authorized officer of the amount due.

(d) Advance payments based on a schedule or rates developed by the authorized officer, are required for monitoring of operations and maintenance during the term of the land use authorization, which amount shall be paid simultaneously with the rental payment required by § 2920.7(a) of this title.

(e) The selected applicant shall, before a land use authorization is issued, submit a payment based on a schedule of rates developed by the Director, Bureau of Land Management, for monitoring rehabilitation or restortation of the lands upon expiration of the land use authorization.

(f) If payment, as required by paragraphs (b), (d) and (e) of this section, exceeds actual costs to the United States, refund may be made by the authorized officer from applicable funds under authority of 43 U.S.C. 1734, or the authorized officer may adjust the next billing to reflect the overpayment. Neither an applicant nor a holder of land use authorization shall set off or otherwise deduct any debt due to or any sum claimed to be owed them by the United States without the prior written approval of the authorized officer.

(g) The authorized officer shall, on request, give a selected applicant an estimate, based on the best available cost information, of the costs, which

may be incurred by the United States in processing the proposed land use authorization. However, reimbursement shall not be limited to the estimate of the estimate of the authorized officer if actual costs exceed the projected estimate.

(h) When through partnership, joint venture or other business arrangement, more than one person, partnership, corporation, association or other entity jointly make application for a land use authorization, each such party shall be jointly and severally liable for the costs under this section.

(i) Requests for modification of or addition to the land use authorization or reconstruction or relocation of any authorized facilities shall be treated as a new application for cost recovery purposes and are subject to the cost requirements of this section.

§ 2920.6 Terms and conditions.

(a) In all land use authorizations the United States reserves the right to use the public lands or to authorize the use of the public lands by the general public in any way compatible or consistent with the authorized land use and such reservations shall be included as a part of all land use authorizations. Authorized representatives of the Department of the Interior, other Federal agencies and State and local law enforcement personnel shall at all times have the right to enter the premises on official business. Holders shall not close or otherwise obstruct the use of roads or trails commonly in public use.

(b) Each land use authorization shall contain terms and conditions which shall:

(1) Carry out the purposes of applicable law and regulations issued thereunder;

(2) Minimize damage to scenic, cultural and aesthetic values, fish and wildlife habitat and otherwise protect the environment;

(3) Require compliance with air and water quality standards established pursuant to applicable Federal or State law; and

(4) Require compliance with State standards for public health and safety, environmental protection, siting, construction, operation and maintenance of, or for, such use if those standards are more stringent than applicable Federal standards.

(c) Land use authorizations shall also contain such other terms and conditions as the authorized officer considers necessary to:

(1) Protect Federal property and economic interests;

(2) Manage efficiently the public lands which are subject to the use or adjacent to or occupied by such use;

(3) Protect lives and property;

(4) Protect the interests of individuals living in the general area of the use who rely on the fish, wildlife and other biotic resources of the area for subsistence purposes;

(5) Require the use to be located in an area which shall cause least damage to the environment, taking into consideration feasibility and other relevant factors; and

(6) Otherwise protect the public interest.

(d) A holder shall be required to secure authorization under applicable law to pay in advance the fair market value, as determined by the authorized officer, of any mineral, vegetative materials (including timber) to be cut, removed, used or destroyed on public lands.

(e) A holder shall not use the public lands for any purposes other than those specified in the land use authorization without the approval of the authorized officer.

(f) Liability provisions:

(1) Holders of a land use authorization and all owners of any interest in, and all affiliates or subsidiaries of any holder of a land use authorization issued under these regulations, shall pay the United States the full value for all injuries or damage to public lands or other property of the United States caused by the holder or by its employees, agents or servants, or by a contractor, its employees, agents or servants, except holders shall be held to standards of strict liability where the Secretary of the Interior determines that the activities taking place on the area covered by the land use authorization present a foreseeable hazard or risk of danger to public lands or other property of the United States. Strict liability shall not be applied where such damages or injuries result from acts of war or negligence of the United States.

(2) Holders of a land use authorization and all owners of any interest in, and affiliates or subsidiaries of any holder of a land use authorization issued under these regulations shall pay third parties the full value of all injuries or damage to life, person or property caused by the holder, its employees, agents or servants or by a contractor, its employees, agents or servants.

(3) Holders of a land use authorization shall indemnify or hold harmless the United States against any liability for damages to life, person or property arising from the authorized occupancy or use of the public lands under the land use authorization. Where a land use authorization is issued to a State or local government or any agency or instrumentality thereof, which has no legal power to assume such liability with respect to damages caused by it to lands or property, such State or local government or agency in lieu thereof shall be required to repair all damages.

(g) The authorized officer may require a bond or other security satisfactory to him/her to insure the fulfillment of the terms and conditions of the land use authorization.

(h) Any land use authorization existing on the effective date of this regulation is not affected by this regulation and shall continue to be administered under the statutory authority under which it was issued. However, by filing a proposal for amendment or renewal, the holder of a land use authorization shall be considered to have agreed to convert the entire authorization to the current statutory authority and the regulations in effect at the time of approval of the amendment or renewal.

(i) The holder of a land use authorization who has complied with the provisions thereof, shall, upon the filing of a request for renewal, be the preferred user for a new land use authorization provided that the public lands are not needed for another use. Renewal, if granted, shall be subject to new terms and conditions. If so specified in the terms of a permit, the permit may be automatically renewable upon payment of the annual rental unless the authorized officer notifies the permittee within 60 days of the expiration date of the permit that the permit shall not be renewed.

(j) Land use authorizations may be transferred in whole or in part but only under the following conditions:

(1) the transferee shall comply with the provisions of § 2910.2–3 of this title;

(2) the authorized officer may modify the terms and conditions of the land use authorization and the transferee shall agree, in writing, to comply with and be bound by the terms and conditions of the authorization as modified; and

(3) transfers shall not take effect until approved by the authorized officer.

(k) If public lands included in a lease or easement are to be disposed of, the conveyance shall be made subject to the lease or easement. Permits shall be revoked prior to disposal of the public lands.

§ 2920.7 Fees.

(a) *Rental.* (1) Holders of a land use authorization shall pay annually or otherwise as determined by the authorized officer, in advance, a rental as determined by the authorized officer.

The rental shall be based either upon the fair market value of the rights authorized in the land use authorization or as determined by competitive bidding. In no case shall the rental be less than fair market value.

(2) Rental fees for leases and easements may be adjusted every 5 years or earlier, as determined by the authorized officer, to reflect current fair market value.

(3) The rental fees required by this section are payable when due, and a late charge of 1 percent per month of the unpaid amount or $15 per month, whichever is greater, shall be assessed if subsequent billings are required. Failure to pay the rental fee in a timely manner is cause for termination of the land use authorization.

(b) *Processing Fee.* Each request for renewal of a lease or easement shall be accompanied by a non-refundable processing fee of $25. The authorized officer may waive or reduce this fee for requests for permit renewals which can be processed with a minimal amount of work.

§ 2920.8 Supervision of the land use authorization.

§ 2920.8–1 Construction phase.

(a) Unless otherwise stated in the land use authorization, construction may proceed immediately upon receipt and acceptance of the land use authorization by the selected applicant.

(b) Where an authorization to use public lands provides that no construction shall occur until specific permission to begin construction is granted, no construction shall occur until an appropriate Notice to Proceed has been issued by the authorized officer, following the submission and approval of required plans or documents.

(c) The authorized officer shall inspect and monitor construction as necessary, to assure compliance with approved plans and protection of the resources, the environment and the public health, safety and welfare.

(d) The holder of a land use authorization may be required to designate a field representative who can accept and act on guidance and instructions from the authorized officer.

(e) The holder of a land use authorization may be required to provide proof of construction to the approved plan and required standards. Thereafter, operation of the authorized facilities may begin.

§ 2920.8–2 Operation and maintenance.

Any land use authorization is subject to inspection and monitoring of the operation and maintenance of the land use authorization area, its facilities and improvements by the authorized officer to assure compliance with the plan of management and protection of the resources, the environment and the public health, safety and welfare, and the holder of the land use authorization shall take corrective action as required by the authorized officer.

§ 2920.8–3 Termination and suspension.

(a) Land use authorizations may be terminated under the following circumstances:

(1) If a land use authorization provides by its terms that it shall terminate on the occurrence of a fixed or agreed-upon event, the land use authorization shall thereupon automatically terminate by operation of law upon the occurrence of such event.

(2) Noncompliance with applicable law, regulations or terms and conditions of the land use authorization.

(3) Failure of the holder to use the land use authorization for the purpose for which it was authorized. Failure to construct or nonuse for any continous 2-year period shall constitute a presumption of abandonment and termination.

(4) Mutual agreement that the land use authorization should be terminated.

(5) Nonpayment of rent for 2 consecutive months, following notice of payment due.

(6) So that the public lands covered by the permit can be disposed of or used for any other purpose.

(b)(1) Upon determination that there is noncompliance with the terms and conditions of a land use authorization which adversely affects the public health, safety or welfare or the environment, the authorized officer shall issue an immediate temporary suspension.

(2) The authorized officer may give an immediate suspension order orally or in writing at the site of the activity to the holder or a contractor or subcontractor of the holder, or to any representative, agent, employee or contractor of any of them, and the suspended activity shall cease at that time. As soon as practicable, the authorized officer shall confirm the order by a written notice to the holder addressed to the holder or the holder's designated agent. The authorized officer may also take such action considered necessary to require correction of such defects prior to an administrative proceeding.

(3) The authorized officer may order immediate suspension of an activity regardless of any action that has been or is being taken by another Federal agency or a State agency.

(4) An order of temporary suspension of activities shall remain effective until the authorized officer issues an order permitting resumption of activities.

(5) Any time after an order of suspension has been issued, the holder may file with the authorized officer a request for permission to resume. The request shall be in writing and shall contain a statement of the facts supporting the request.

(6) The authorized officer may render an order to either grant or deny the request to resume within 5 working days of the date the request is filed. If the authorized officer does not render an order on the request within 5 working days, the request shall be considered denied, the holder shall have the same right to appeal the denial as if an order denying the request had been issued.

(c) Process for termination or suspension other than temporary immediate suspension.

(1) Prior to commencing any proceeding to suspend or terminate a land use authorization, the authorized officer shall give written notice to the holder of the legal grounds for such action and shall give the holder a reasonable time to correct any noncompliance.

(2) After due notice of termination or suspension to the holder of a land use authorization, if noncompliance still exists after a reasonable time, the authorized officer shall given written notice to the holder and refer the matter to the Office of Hearings and Appeals for a hearing before an Administrative Law Judge pursuant to 43 CFR 4.420–4.439. The authorized officer shall suspend or revoke the land use authorization if the Administrative Law Judge determines that grounds for suspension or revocation exists and that such action is justified.

(3) The authorized officer shall terminate a suspension order when the authorized officer determines that the violation causing such suspension has been rectified.

(d) Upon termination, revocation or cancellation of a land use authorization, the holder shall remove all structure and improvements except those owned by the United States within 60 days of the notice of termination, revocation or cancellation and shall restore the site to its pre-use condition, unless otherwise agreed upon in writing or in the land use authorization. If the holder fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that shall not relieve the holder of liability for the cost of their removal and restoration of the site.

Guy R. Martin,

Assistant Secretary of the Interior.

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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

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MAY 1980

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for Federal Register scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
May 1	May 16	June 2	June 16	June 30	July 30
May 2	May 19	June 2	June 16	July 1	July 31
May 5	May 20	June 4	June 19	July 7	August 4
May 6	May 21	June 5	June 20	July 7	August 4
May 7	May 22	June 6	June 23	July 7	August 5
May 8	May 23	June 9	June 23	July 7	August 6
May 9	May 27	June 9	June 23	July 8	August 7
May 12	May 27	June 11	June 26	July 11	August 11
May 13	May 28	June 12	June 27	July 14	August 11
May 14	May 29	June 13	June 30	July 14	August 12
May 15	May 30	June 16	June 30	July 14	August 13
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May 19	June 3	June 18	July 3	July 18	August 18
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May 22	June 6	June 23	July 7	July 21	August 20
May 23	June 9	June 23	July 7	July 22	August 21
May 27	June 11	June 26	July 11	July 28	August 25
May 28	June 12	June 27	July 14	July 28	August 26
May 29	June 13	June 30	July 14	July 28	August 27
May 30	June 16	June 30	July 14	July 29	August 28

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

AGRICULTURE DEPARTMENT

Foreign Agricultural Service—

24439 4–10–80 / Export sales reporting of cattle hides and skins

FEDERAL COMMUNICATION COMMISSION

24154 4–9–80 / Redefining and clarifying the rules governing restricted radiation devices and low power communication devices

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Child Support Enforcement Office—

8982 2–11–80 / Medicaid; benefit assignment and collection of medical support and payments

Food and Drug Administration—

24865 4–11–80 / Good laboratory practice provisions for nonclinical laboratory studies

Health Care Financing Administration—

8982 2–11–80 / Medicaid; benefit assignment and collection of medical support and payments

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Community Planning and Development Office—

24802 4–10–80 / Relocation requirements under the Section 312 Rehabilitation Loan

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary—

26906 4–21–80 / Mobile home procedural and enforcement regulations; definition of recreational vehicle

Office of Fair Housing and Equal Opportunity—

24866 4–11–80 / Provisions for recognition of substantially equipment laws

PERSONNEL MANAGEMENT OFFICE

24856 4–11–80 / Exclusions from retirement coverage

24855 4–11–80 / Term promotion provisions

WATER RESOURCES COUNCIL

24863 4–11–80 / Procedures for evaluation of national economic development benefits and costs in water resources planning (level C)

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 May 8, 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.

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WASHINGTON, D.C.

WHEN: May 30; June 13 and 27; 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.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)
WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.
RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

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.

PITTSBURGH, PA.

WHEN: June 4 at 1:30 p.m. and June 5 at 9 a.m. (identical sessions.)
WHERE: Rooms 2212 and 2214 (both days), Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa.
RESERVATIONS: Call Mary Silipo, Pittsburgh Federal Information Center, 412–644–3456.



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