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Wednesday
July 16, 1980

Highlights

47731 **Grant Programs—Health** HHS/HSA announces that applications are now being accepted for FY 1980 grants for workshops, conferences or institutes relating to Maternal and Child Health and Crippled Children's Services; apply by 8-15-80

47654 **Grant Programs—Farm Labor Housing** USDA/FmHA amends policies, procedures, and authorities regarding loan and grant programs; effective 7-16-80; comments by 9-15-80

47777 **Income Taxes** Treasury/IRS provides notice of availability of application packages for the 1981 Tax Counseling for the Elderly program

47675 **Income Taxes** Treasury/IRS provides final rules relating to exception for certain pension plans funded by insurance contracts from minimum funding standards

47677 **Foreign Relations** Treasury/FS updates references to foreign assets control regulations by deleting references to Zimbabwe and China and by adding references to Iran; effective 7-9-80

47777 **Imports** Trade extends marketing agreements regarding color television receivers and subassemblies thereof from Taiwan and the Republic of Korea

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

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47832, 47835 **Hazardous Wastes** EPA issues rule and proposed rule identifying and listing additional hazardous wastes; effective 1–16–81; comments by 9–15–80 (Part II of this issue) (2 documents)

47671 **Petroleum Allocation** DOE/ERA issues final rule establishing an allocation level for mail hauling by or under contract to Postal Service and by firms in the business of transporting goods; effective 8–15–80

47705 **Electric Utilities** DOE/FERC proposes to revise Annual Report for Electric Utilities, Licensees and Others to eliminate certain elements no longer needed; comments by 9–8–80

47712 **Coal Mining** Interior/GS extends comment period on regulations which delineate functions and responsibilities for operations on Federal lands; comments by 7–24–80

47769 **Imports** ITC issues notice regarding pipes and tubes of iron or steel from Japan

47772 **Government Procurement** OMB issues Supplement No. 1 regarding the Federal procurement policy concerning energy conservation

47964 **Improving Government Regulations** NCUA publishes semiannual agenda of regulations; effective 6–30–80

47701 **Exports** Commerce/ITA has decided not to institute formal export monitoring program for ferrous scrap

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47681 **Postal Service** PS announces numerous miscellaneous revisions of the Postal Contracting Manual dealing with mail transportation contracting; effective 6–15–80

47679 **Veterans** VA issues final regulations regarding miscellaneous amendments to medical benefits; effective 7–7–80

47727 **Privacy Act Documents** FTC

47814 **Sunshine Act Meetings**

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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 Parts 911 and 915

Limes Grown in Florida, Avocados Grown in South Florida; Expenses and Rates of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These actions authorize expenses and rates of assessment for the 1980–81 fiscal year, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering Florida limes and avocados, and redesignate certain provisions under "Subpart—Rules and Regulations" of these orders, published in the Code of Federal Regulations.

EFFECTIVE DATES: The 1980–81 fiscal year beginning April 1, 1980, and ending March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250 telephone 202–447–5975. The Final Impact Analysis relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: These final actions have been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and have been classified "not significant." This final rule is issued under Marketing Orders 911 and 915, each as amended (7 CFR Parts 911 and 915), regulating the handling of limes and avocados grown in Florida. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon recommendations and information submitted by the committees established under these marketing orders, and other available information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

These actions were recommended at public meetings at which all present could state their views. There is insufficient time between the date when information became available upon which this final rule is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date unitl 30 days after publication in the **Federal Register** (5 U.S.C. 553). These orders require that the rates of assessment for a particular fiscal year shall apply to all assessable fruit handled from the beginning of such year which began April 1, 1980. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rates is necessary without delay. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Therefore, new §§ 911.219 (M.O. 911) and 915.219 (M.O. 915), are added to read as follows: (§§ 911.219 and 915.219 expire March 31, 1981, and will not be published in the annual Code of Federal Regulations). In addition, in 7 CFR Part 911, § 911.204 is redesignated as § 911.142; and in 7 CFR Part 915, § 915.205 is redesignated as § 915.142.

Marketing Order 911

§ 911.219 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during fiscal year April 1, 1980, through March 31, 1981, will amount to $420,000.

(b) The rate of assessment for said year payable by each handler in accordance with § 911.41 is fixed at 35 cents per bushel of limes.

(c) Unexpended funds in excess of expenses incurred during fiscal year ended March 31, 1980, shall be carried over as a reserve in accordance with § 911.42 and § 911.204 (redesignated as § 911.142).

Marketing Order 915

§ 915.219 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during fiscal year April 1, 1980, through March 31, 1981, will amount to $300,000.

(b) The rate of assessment for said year payable by each handler in accordance with § 915.41 is fixed at 30 cents per bushel of avocados.

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

Dated: July 10, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-21249 Filed 7-15-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 946

Irish Potatoes Grown in Washington; Approval of Amendment No. 1 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment reduces the minimum size for Norgold variety potatoes shipped from Districts 1 through 4 from 2¼ inches to 2⅛ inches in diameter. It will permit handlers in these districts to ship a greater quantity of potatoes of acceptable quality to retail outlets than would normally be shipped during such a season of expected shorter supplies.

EFFECTIVE DATE: July 11, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–2615.

The final impact statement describing the options considered in developing this final rule and the impact of implementing each option is available from Mr. Porter.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to

implement Executive Order 12044, and has been classified "not significant."

Marketing Agreement No. 113 and Order No. 946, both as amended, regulate the handling of Irish potatoes grown in the State of Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The State of Washington Potato Committee, established under the order, is responsible for its local administration.

At an open meeting at Moses Lake, Washington, on July 8, 1980, the committee voted to request the minimum size requirements for Norgold variety potatoes be reduced from 2¼ inches to 2⅛ inches in diameter for potatoes shipped from Districts 1 through 4. This is the same size requirement in effect for District No. 5. The fall crop is expected to be down significantly this season due at least in part to reduced plantings. The committee believes that reducing the minimum size requirements by ⅛ inch may increase the quantity of potatoes available for fresh market sales with no reduction in overall quality level. This should help to maintain adequate supplies at reasonable prices to consumers while maintaining an acceptable quality level at retail outlets.

Findings. After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

(b) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice or 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) in that (1) to maximize benefits to producers, this amendment should apply to as many shipments as possible during the effective period, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of production area potatoes shipped to the fresh market.

The first sentence of paragraph (a)(2)(ii) of Handling regulation (45 FR 42590) is hereby changed to read as follows:

§ 946.335 Handling regulation.

* * * * *

(a)(2)(i) * * *

(a)(2)(ii) *Long varieties*—Norgold variety grown in Districts 1 through 4 must be 2⅛ inches (54.0mm) minimum diameter or 5 ounces minimum weight. * * *

* * * * *

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

Dated July 11, 1980 to become effective July 11, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-21201 Filed 7-15-80; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

[FCDA No. 10.405, Farm Labor Housing Loans and Grants]

Rural Housing; Farm Labor Housing (LH) Loan and Grant Policies, Procedures, and Authorities

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding Farm Labor Housing (LH) Loan and Grant programs. The intended effect of this action is to (1) remove undue restrictions for use of the program by individual farmowners and family farm corporations and partnerships by restoring the LH procedures and policies in effect before October 15, 1979, for such borrowers, including provision for FmHA State Office waiver of the LH Loan Agreement when individual-type borrowers do not receive rental income from the LH unit and agree to maintain and operate the LH unit as part of their farm operation; and (2) incorporate in these regulations the restrictions on prepayment of LH loans mandated by the Housing and Community Development Amendments of 1979, P.L. 96–153, Sec. 503, 93 Stat. 1101 (1979). (This restriction in the LH regulations applies only to new borrowers. FmHA will issue regulations at a later time concerning prepayment by existing LH borrowers.) This action is needed because of an inadvertent implementation of undue restrictions on individual farmowners and family farm corporations and partnerships in the last revision of the regulations, and because of subsequent legislation.

EFFECTIVE DATES: Effective July 16, 1980. FmHA will consider all comments received on or before September 15, 1980.

ADDRESSES: Submit written comments in duplicate to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. John H. Pentecost, Loan Specialist, Multiple Family Housing Special Authorities Division, Farmers Home Administration, USDA, Washington, DC 20250. (202) 447–7207.

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

OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally-assisted programs and projects is applicable to projects funded under this program in accordance with FmHA regulations.

Gordon Cavanaugh, Administrator, FmHA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because of the undue difficulty and inappropriate restrictions inadvertently imposed on individual farmowners and family farm corporations and partnerships by FmHA's previous revision of its LH regulations. Further, incorporation of the prepayment limitations is mandated by Congress and all potential borrowers must be aware of the limitations at the time they make application for a LH loan.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Accordingly, 7 CFR Part 1944, §§ 1944.151–1944.200 are revised and Exhibits A, A–1, and A–2 are revised as

follows: (Exhibits A–3 through I remain unchanged)

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1944—HOUSING

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

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1944.151 Purpose.
1944.152 Objective.
1944.153 Definitions.
1944.154 Responsibility for LH processing and servicing.
1944.155–1944.156 [Reserved]
1944.157 Eligibility requirements.
1944.158 Loan and grant purposes.
1944.159 Rates and terms.
1944.160–1944.162 [Reserved]
1944.163 Conditions under which an LH grant may be made.
1944.164 Limitations and conditions.
1944.165–1944.167 [Reserved]
1944.168 Security requirements.
1944.169 Technical, legal, and other services.
1944.170 Processing preapplications.
1944.171 Preparation of completed loan and/or grant docket.
1944.172 [Reserved]
1944.173 Loan and grant approval—delegation of authority.
1944.174 Distribution of loan and/or grant approval documents.
1944.175 Actions subsequent to loan and/or grant approval.
1944.176 Loan and/or grant closing.
1944.177 Coding loans and grants as to initial or subsequent.
1944.178 Complaints regarding discrimination in use and occupancy of LH.
1944.179–1944.180 [Reserved]
1944.181 Loan servicing.
1944.182 Rental assistance.
1944.183 Exception authority.
1944.184–1944.199 [Reserved]
1944.200 Refinancing of LH loans approved and closed prior to December 21, 1979.

Exhibit A—Labor Housing Loan and Grant Application Handbook
Exhibit A–1—Information to be Submitted by Organizations and Association of Farmers for Labor Housing Loan or Grant
Exhibit A–2—Information to be Submitted by Individual Farmowners and Family Farm Corporations or Partnerships for Labor Housing Loans

Authority: 420.5C §§ 1480(j), delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development 7 CFR 2.70.

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

§ 1944.151 Purpose.

This Subpart sets forth the polices and procedures and delegates authority for making initial and subsequent insures loans under Section 514 and grants under Section 516 of the Housing Act of 1949, to provide housing and related facilites for domestic farm labor.

§ 1944.152 Objective.

The basic objective of the Farmers Home Administration (FmHA) in making domestic Farm Labor Housing (LH) loans is to provide decent, safe, and sanitary housing and related facilities for domestic farm labor to be located in areas where a need exists and in making LH grants when there is a pressing need for such facilites in the area and there is reasonable doubt that the housing can be provided without the grant assistance.

§ 1944.153 Definitions.

As used in this Subpart:

(a) *Domestic farm laborer.* Persons who receive a substantial portion of their income as laborers on farms in the United States, Puerto Rico, or the Virgin Islands and either (1) are citizens of the United States, or (2) reside in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence, and may include the immediate families of such persons.

Domestic Farm laborers may include those laborers engaged in:

(1) the primary production of agricultural commodities on a farm, or

(2) the handling of agricultural commodities in the unprocessed stage on or near the farm as long as the employer of the laborer is the farmer who produced the commodity being handled.

Domestic Farm labor also includes persons working in acquaculture operations as defined in Subpart B of Part 1945 of this Chapter. Retired or disabled domestic farm laborers who are eligible tenants at the time of their retirement or becoming disabled may continue to occupy a project that they initially occupied as an eligible domestic farm laborer.

(b) *Housing.* New or existing structures which are or will be suitable for decent, safe, and sanitary dwelling use by domestic farm labor. "Housing" may include household furnishings and related facilities where appropriate.

(c) *Household furnishings.* Such basic durable items as stoves, refrigerators, drapes, drapery rods, tables, chairs, dressers, and beds. Items such as bedding, linens, dishes, silverware, and cooking utensils are not included in this definition.

(d) *Related facilities.* Includes community rooms or buildings, cafeterias, dining halls, infirmaries, child care facilities, assembly halls, and other essential service facilities such as central heating, sewerage, lighting systems, clothes washing facilities, trash disposal and safe domestic water supply. All related facilities must be reasonably necessary for proper use of the housing as dwellings for domestic farm labor occupants.

(e) *Farmowner.* A natural person or persons who are the "owners" of a "farm" as these two terms are further defined in Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1).

(f) *Farmer.* A person who is actually involved in day to day on-site operations of a farm and who devotes a substantial amount of time to personal participation in the conduct of the operation of a "farm".

(g) *Family farm corporation or partnership.* A private corporation or partnership in which at least 90% of the stock or interest is owned and controlled by members of the same family. These family members must be related by blood or law. If more than three separate households are supported by the farming operation, the family farm corporation or partnership shall not be eligible for assistance. The family farm corporation or partnership must be (1) legally organized and authorized to own and operate a farm business within the State, (2) legally able to carry out the purposes of the loan, and (3) prohibited from the sale or transfer of 90% of the stock or interest to other than family members by either the articles of incorporation, bylaws or by agreement between the stockholders or partners and the corporation or partnership.

(h) *Association of farmers.* Two or more farmers acting as a single legal entity. Association members may include the individual members of farming partnerships or corporations.

(i) *Organization.* A broad-based nonprofit organizaton, a nonprofit organization of farmworkers, federally recognized Indian Tribe, or an agency or political subdivision of State or local government.

(j) *Broad-based nonprofit organization.* An organization, public or private, which (1) is incorporated within the State, Puerto Rico, Virgins Islands, or a Federally recognized Indian Tribe, (2) is organized and operated on a nonprofit basis, (3) is legally precluded from distributing any profits or dividends to its members, (4) is not grower oriented (majority of board must be nonfarmers), (5) pledges to administer the housing as a community service in the interest of the whole community, and (6) has at least 25 members for projects with a total development cost of up to $100,000 and additional members for projects costing more than $100,000. The membership

must reflect a variety of interests of the area where the housing will be located. Organizations operating in more than one local area will have local representation within its membership from each area where it's housing projects are located.

(k) *Nonprofit organization of farmworkers.* A nonprofit organization which is incorporated within the State, Puerto Rico, or the Virgin Islands, which has local representation in the membership, and whose membership is composed of at least 51% farmworkers.

(l) *Construct or repair.* To construct new structures or facilites, or to acquire, relocate, or repair or improve existing structures or facilities.

(m) *Members and membership.* Includes stockholders and stock when appropriate.

(n) *Board and directors.* Includes the governing body and members of the governing body of an organization.

(o) *Promissory note.* May include a bond or other evidence of indebtedness.

(p) *Mortgage.* May include any appropriate form of security instrument.

(q) *Development cost.* Includes the cost of constructing, purchasing, improving, altering, or repairing new or existing housing and related facilities, buying household furnishings, and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal fees and charges, and other appropriate technical and professional fees and charges. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitations of loans. For all types of LH applicants, other than the individual farmowners, family farm corporation and partnerships, and associations of farmers, the development cost may include initial operating expenses of up to 2 percent of the permitted costs.

(r) *Individual.* A natural person. It may include the spouse.

(s) *Applicant.* The applicant for or the recipient of an LH loan or grant.

(t) *LH fund(s).* May include either loan or grant monies or both in this Subpart.

(u) *Subsequent LH loan or grant.* A loan or grant to an applicant or borrower to complete the units planned with the initial loan or grant.

(v) *Migrant.* A domestic farmworker who works in any given local area on a seasonal basis and relocates his or her place of residence as farmwork is obtained during the year.

§ 1944.154 Responsibility for LH processing and servicing.

All LH loan and/or LH grant application processing and servicing is the responsibility of the FmHA District Director. However, the State Director may authorize the District Director to delegate processing and servicing functions on a case by case basis to the appropriate County Supervisor. Such delegation is limited to LH loans to farmowners and family farm corporations or partnerships when (1) such an entity has another existing FmHA loan(s), (2) the LH loan is considered part of the applicant's farming operation, and (3) the delegation is considered by the State Director to be in the best interest of the borrower and FmHA.

§§ 1944.155–1944.156 [Reserved]

§ 1944.157 Eligibility requirements.

(a) *Eligibility of applicant for an LH loan.* To be eligible for an LH loan the applicant must:

(1) Be a farmowner, family farm partnership, family farm corporation, or an association of farmers whose farming operations demonstrate a need for farm labor housing, or an organization, as these terms are defined in § 1944.153, which will own the housing and operate it on a nonprofit basis.

(2) Except for State and local public agencies, or a political subdivision thereof, be unable to provide the necessary housing from their own resources and be unable to obtain the necessary credit from any other source upon terms and conditions they could reasonably be expected to fulfill. If an association of farmers or family farm corporation or partnership, the individual members, individually and jointly, must be unable to provide the necessary housing by utilizing their own resources and be unable, by pledging their personal liability, to obtain other credit that would enable them to provide housing for farm workers at rental rates they can afford to pay. The individual resources of family farm corporation or partnership members with *less* than a ten percent corporate or partnership interest need not be considered.

The State Director may make an exception to the requirement that an individual farmowner, family farm corporation, family farm partnership or an association be unable to obtain the necessary credit elsewhere when *all* of the following conditions exist:

(i) There is a need in the area for housing for domestic farmworkers *who are migrants* and that applicant will provide such housing;

(ii) There are no qualified State or political subdivisions or public or private nonprofit organizations currently available or likely to become available within a reasonable period of time that are willing and able to provide the housing; and

(iii) The interest rate for such loans is in accordance with Subpart A of Part 1810 of this Chapter (FmHA Instruction 440.1).

(3) Have sufficient initial operating capital to pay costs such as property and liability insurance premiums, fidelity bond premiums if required, utility hookup deposits, maintenance equipment, moveable furnishings and equipment, printing lease forms, and other initial expenses. LH loans made to nonprofit organizations and to State or local public agencies or political subdivisions thereof may include up to 2 percent of the development cost for initial operating expenses.

(4) After the loan is made, have income sufficient to pay operating expenses, make necessary capital replacements, make the payments on the loan and other authorized debts, and accumulate reasonable reserves as required.

(5) Possess the legal and actual capacity, character, ability, and experience to carry out the undertakings and obligations required for the loan, including the obligation to maintain and operate the housing and related facilities for the purpose for which the loan is made. Organizations operating in more than one local area will be required to indicate their ability to provide local management and supervision of the day-to-day operation of the housing project.

(6) Intend to use the housing for labor to be used in the farming operations of the applicant or farming operations of its members if an individual farmowner, family farm corporation or partnership, or an association of farmers.

(7) Own the housing and related land or become the owner when the loan is closed. An owner may include, in addition to the owner of full marketable title, a lessee of a tract of land owned by a State, political subdivision, public body or public agency, or Indian tribal lands which are not available for purchase. It may also include a lease of land when the State Director determines that long-term leasing of sites by nonpublic bodies is a well established practice and such leaseholds are fully marketable in the area, provided:

(i) The applicant is unable to obtain fee title to the property.

(ii) A recorded mortgage constituting a valid and enforceable lien on the applicant's leasehold will be given as security.

(iii) The amount of the LH loan against the property will not exceed the maximum security value determined in

accordance with FmHA Instruction 422.3 which is available in any FmHA office, and Subpart A of Part 1809 and Subpart B of Part 1922 of this Chapter (FmHA Instructions 422.1 and 1922–B), as appropriate.

(iv) The unexpired term of the lease on the date of loan approval is at least 25 percent longer than the repayment period of the loan and rental charged for the lease should not exceed the rate charged for similar leases in the area.

(v) The borrower's interest may not be subject to summary foreclosure or cancellation.

(vi) The lease must:

(A) Not restrict the right to foreclose the LH mortgage or to transfer the lease.

(B) Permit FmHA to bid at foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(C) Permit FmHA after acquiring the leasehold through foreclosure, or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property, or to sublet the property and to sell the leasehold for cash or credit.

(D) Permit the borrower, in the event of default or inability to continue with the lease and the LH loan, to transfer the leasehold, subject to the LH mortgage, to a transferee with assumption of the LH debt and grant obligation.

(vii) The advice of the Office of the General Counsel [OGC] will be obtained as to legal sufficiency of the lease. When the State Director is uncertain as to whether a loan can be made on a leasehold, the request should be submitted to the National Office for evaluation and instructions.

(8) If it is a private broad-based nonprofit organization or a nonprofit organization of farmworkers, meet the following additional requirements:

(i) Be legally precluded from distributing any dividends or net earnings to its members or any private individual during its corporate lifetime.

(ii) In the event of its dissolution, be legally bound to transfer its net assets to a nonprofit organization of a similar type or a public body for use for domestic farm labor housing or other public purposes if the need for farm labor housing no longer exists.

(iii) Responsibility for management of the housing must be vested in the applicant's board of directors.

(A) A broad-based nonprofit organization must be governed by a board of directors of not less than five members who are experienced in such fields as real estate management, finance, or related businesses and who will not be users of the farm workers housed in the project.

(B) A nonprofit organization of farmworkers must have representation on the board from the area where the housing is located. Directors may be elected who are not members of the organization but are experienced in such fields as real estate management, finance, or related businesses provided member directors represent a majority of the board.

(iv) Be prohibited from requiring or preventing employment on any particular farm or farms as a condition of occupancy.

(v) Except for an organization of farmworkers, be certified as exempt from Federal income taxation.

(9) Be an individual farmowner who is a citizen of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, or the trust territory of the Pacific Islands or residents in one of the foregoing areas after being legally admitted for permanent residence or an indefinite parole. If the applicant is an organization, other than a State or political subdivision, the majority of the members and controlling interests must be individuals who meet the citizenship requirements for individual farmowners as stated above.

(b) *Eligibility of applicant for an LH grant.* To be eligible for an LH grant the applicant must meet the applicable requirements in § 1944.157 (a) and:

(1) Be an organization, as defined in § 1944.153(i) with an assured life over a period of years sufficient to carry out the purpose of providing low-rent housing for domestic farm labor. This should not be less than the anticipated useful life of the project as suitable housing for domestic farm labor, assuming proper maintenance and repair of the property. Ordinarily, this should not be less than 50 years.

(2) When the grant is closed, be the owner (as defined in this Subpart) of the housing and related facilities, including the site.

(3) Be unable to provide the necessary housing from its own resources, including any power to levy taxes, assessments, or charges, and be unable to obtain the necessary credit through an LH loan or from other sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Possess the legal and actual capacity, ability, and experience to incur and carry out the undertakings and obligations required, including the obligations to maintain and operate the housing and related facilities for the purpose for which the grant is made.

(5) Legally obligate itself not to divert income from the housing to any other business, enterprise, or purpose.

(c) *Authorized representative of applicant.* FmHA will deal only with the applicant or its bona fide representative and technical advisers. The authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, management contracts, the purchase of equipment, or the purchase of land for the housing site.

§ 1944.158 Loan and grant purposes.

LH loans and grants may be made to qualified applicants to:

(a) Build, buy, improve or repair housing as defined in § 1944.153(b).

(b) Purchase and improve the necessary land on which the housing will be located.

(1) The cost of land purchased with loan or grant funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal in accordance with Subpart B of Part 1922 of this Chapter.

(2) Loan or grants funds will not be used to buy land from a member of an applicant-organization, or from another organization in which any member of the applicant-organization has an interest, without prior approval of the State Director. In granting this approval the State Director should be sure that the purchase price does not exceed the present market value.

(3) Loan or grant funds may not be used to acquire land in excess of that needed for the housing, including related facilities, except when the applicant cannot acquire only the needed land at a fair price, can justify the acquisition, agrees to sell the excess land as soon as practicable and apply proceeds on the loan, and has legal authority to acquire and administer the land.

(c) Develop and install water supply, sewage disposal, streets, storm water retention facilities or areas, and heat and light systems necessary in connection with the housing. If the facilities are located offsite, the following requirements must be met:

(1) The applicant will hold the title to the facility or have a legally assured adequate right to use of the facility for at least the life of the loan or grant and such title or right can be transferred to any subsequent owner of the site.

(2) The facilities are provided for the exclusive use of the LH project or funds are limited to the prorated part of the total cost of the facility according to the use and benefit to the project. The applicant will agree in writing to the application of extra payments on the LH

loan of any subsequent collection by the applicant from other users or beneficiaries of the facility.

(3) Adequate security can be obtained with or without a mortgage based on the offsite facilities.

(d) Construct other related facilities in connection with the housing such as:

(1) Maintenance workshop and storage facilities.

(2) Recreation center including lounge if the project is large enough to justify such a facility.

(3) Central cooking and dining facilities when the project is large enough to justify such services.

(4) Small infirmary for emergency care only when justified.

(5) Laundry room and equipment, including clotheslines, if not provided in the individual units.

(6) Appropriate outdoor recreational facilities and other facilities to meet essential needs.

(7) Child day care facilities when needed and feasible.

(8) Trash retention areas if necessary.

(9) Outdoor lighting in pedestrian areas where use is anticipated after sunset.

(e) Construct office and living quarters for the resident manager and other operating personnel if needed and advantageous to the project and the Government.

(f) Purchase and install ranges, refrigerators, drapes, drapery rods, clothes washers, and clothes dryers. If individual washer and dryer hookups are provided, clothes washers and clothes dryers may be installed in individual rental units only if the inclusion of such items in individual units is needed and is customary in the area for the type of housing involved and is consistent with the requirement that the construction be undertaken in an economical manner and not constitute elaborate or extravagant items. Otherwise, the clothes washers and clothes dryers must be installed in a central laundry room. The number of washers and dryers must be adequate to serve the tenant needs. Whenever practical, this equipment should be attached to the real property in a manner to prevent easy removal.

(g) Purchase and install essential equipment which upon installation becomes a part of the real estate.

(h) Provide landscaping, foundation planting, seeding or sodding of lawns, and necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(i) Pay related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and required services. Ordinarily, FmHA will furnish the needed guidance for the development of an LH loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State Director determines that:

(1) Either (a) the applicant, with available FmHA assistance, cannot meet all requirements for a sound loan or grant without the services, or (b) the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering (a) the amount and the purpose of the loan or grant, (b) the payment ability of the borrower, and (c) the cost of similar services in the same or similar rural areas.

(j) Pay interest which will accrue during the estimated construction period.

(k) Pay normal charges necessary to obtain interim financing.

(l) Pay initial operating expenses up to 2 percent of the development cost for any type applicant except an individual farmowner, family farm corporation or partnership, or an association of farmers.

(m) Pay for related costs incurred in compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 and in accordance with § 1944.164(q) of this Subpart.

§ 1944.159 Rates and terms.

(a) *Amortization period.* Each loan will be scheduled for payment in installments within a period, not to exceed 33 years, as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security.

(b) *Interest rate.* LH loans will be made at interest rates specified in FmHA Instruction 440.1, Exhibit B, which is available in any FmHA office.

§§ 1944.160–1944.162 [Reserved]

§ 1944.163 Conditions under which an LH grant may be made.

A grant may be made to an eligible applicant only when all of the following requirements can be met:

(a) The applicant will contribute at least one-tenth of the total development cost, obtained from its own resources, including any power to levy taxes, assessments, or charges, with funds from other sources, or with an LH loan. The applicant's contribution must be available at the time of grant closing. If an LH loan is needed, the applicant will file an application for a combination loan and grant at the same time.

(b) The housing and related facilities will fulfill a pressing need in the area in which the housing is or will be located and there is reasonable doubt that such housing can be provided without the grant.

(1) The applicant will furnish FmHA factual evidence of fulfilling a pressing need. This need will be documented in accordance with Exhibits A–1 or A–2 of this Subpart, as applicable, and using Exhibit A–4 as a guideline if appropriate.

(2) When appropriate, the District Director may check with sources such as the State Department of Labor, Bureau of Employment Security, and other reliable sources to verify the information submitted.

(3) If, after evaluating the information furnished by the applicant and additional information that may be provided, the District Director determines that the housing will fulfill a pressing need and that a reasonable doubt exists that the housing can be provided without the grant, the District Director will prepare a narrative statement to support these conclusions.

(c) The housing will be constructed in accordance with Exhibit A–3 of this Subpart.

(d) The housing will be constructed in an economical manner and will not be of elaborate or extravagant design or material.

(e) The housing must be durable and suitable for year-round use unless the need for such housing is seasonal and year-round occupancy is not practical and will not be needed.

(f) Housing will be constructed and designed with the consideration given to selecting the most economic, energy efficient heating (and cooling, if applicable) systems including, but not limited to, insulation in excess of the requirements of Exhibit D of Subpart A of Part 1924 of this Chapter (FmHA Instruction 1924–A, Exhibit D); active/passive solar design; building orientation; and sun control measures.

§ 1944.164 Limitations and conditions.

(a) *Limitations on use of loan and grant funds.* Among the purposes for which loan and grant funds will *not* be used are the following:

(1) Providing housing for the members of the immediate family of the applicant when the applicant is an individual farmowner, family farm corporation, or partnership, or an association of farmers. (Immediate family in this

instance includes mother, father, brothers, sisters, sons and daughters of applicant(s) and spouse.)

(2) Housing, related facilities, or household furnishings which are elaborate or extravagant in design or material.

(3) Refinancing debts of the applicant.

(4) Moveable-type furnishings or equipment except household furnishings as defined in § 1944.153(c).

(5) Payment of any fees, charges, or commissions to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of the loan.

(6) Payment of any fee, salary, commission, profit, or compensation to an applicant, or any officer, director, trustee, stockholder, member, or agent of the applicant, except as provided in § 1944.158(i).

(b) *Priority in use of grant funds and maximum amount of grant.*

(1) *Priority in use of grant funds.* Projects will be authorized for funding by the National and State Offices based on priority to:

(i) Locations where a long range and pressing need exists for farm labor housing because of labor intensive agricultural crop production and a lack of suitable housing.

(ii) Projects where occupants will derive the highest portion of their income from on-farm agricultural work.

(2) *Maximum amount of grant.* The amount of any grant may not exceed the lessor of:

(i) Ninety percent of the total development cost, or

(ii) That portion of the total cash development cost which exceeds the sum of any amount the applicant can provide from its own resources plus the amount of a loan which the applicant will probably be able to repay, with interest, from income from rentals within the financial reach of low-income farmworker families. The availability of rental assistance and Department of Housing and Urban development (HUD) section 8 subsidies will be considered in determining the rentals that farm workers will pay.

(c) *Advance of grant funds.* The times for requesting Treasury Checks representing LH grant funds and depositing such checks in the applicant's supervised bank account will be determined in accordance with § 1944.175. When other funds to help finance the labor housing are being supplied by the applicant from its own resources or from a loan, such other funds will be used before a grant check is requested from the Treasury or deposited in or disbursed from the supervised bank account, as appropriate to comply with § 1944.175.

(d) *Obligations incurred before loan or grant closing.* When the applicant files an application for a loan or grant, the District Director will advise the applicant that construction must not be started and obligations for work materials or land must not be incurred or made before the loan or grant is closed, and that it is the policy of FmHA not to permit loan or grant funds to be used to pay such obligations or reimburse the applicant for such payments. If, nevertheless, the applicant incurs expenses or makes payments for such purposes before the loan or grant is closed, the State Director may authorize the use of loan or grant funds to pay such expenses or reimburse the applicant only when the State Director finds that all the following conditions exist:

(1) The expenses were incurred: (a) after the applicant filed a written application for a loan with FmHA; or (b) before the date of application as part of a predevelopment loan specifically intended as interim financing from a public agency or nonprofit organization and prior concurrence of the National Office is obtained; or (c) before the date of application as part of a development loan made to a State or local public agency specifically intended as temporary financing and prior concurrence of the National Office is obtained.

(2) The applicant is unable to pay such expenses from its own resources or from credit from other sources, and failure to authorize the use of loan or grant funds to pay such expenses or reimburse the applicant would impair the applicant's financial position.

(3) The expenses were incurred or payments were made for authorized loan and grant purposes.

(4) Contracts, materials, construction and any land purchase meet FmHA standards.

(5) Payment of the expenses will remove any liens which have attached and any basis for liens that may attach to the property on account of such expenses.

(e) *Grant resolution.* A resolution will be adopted by the applicant's Board of Directors and a certified copy included in the grant docket before a grant is approved.

(1) For a grant accompanied by an LH loan, the form of resolution attached as Exhibit E to this Subpart will be used with any necessary changes required or approved by OGC. For a grant not accompanied by an LH loan, the form of resolution will be provided or approved by the National Office, following Exhibit E as closely feasible.

(2) The form of resolution to be adopted by the applicant will contain policy and procedural requirements which should be read and be fully understood by the applicant's Board of Directors and officers. Included in the resolution will be provisions authorizing FmHA to prescribe requirements regarding the operation of the housing and related facilities and other provisions including the following:

(i) The rentals charged domestic farm labor will not exceed such amounts as are approved by FmHA after considering the income of the occupants and the necessary costs of operation, debt service, and adequate maintenance of the housing.

(ii) The housing will be maintained at all times in a safe and sanitary condition in accordance with standards prescribed by State and local law, and as required by FmHA.

(iii) In granting occupancy of the housing an absolute priority will be given at all times to domestic farm labor.

(3) The resolution will also authorize the appropriate officers of the applicant to execute a "Labor Housing Grant Agreement," in the format of Exhibit F of this Subpart. If changes are required in Exhibit F they must be approved by OGC.

(f) *Conditional obligations to repay grants.* The obligations incurred by the applicant as a condition of the grant will be in accordance with Exhibit F of this Subpart.

(g) *Loan resolution or loan agreement.*

(1) An organization will have its Board of Directors adopt a loan resolution and furnish a certified copy for the loan docket before loan approval. The resolution will be substantially in the format of Exhibit C of this Subpart. Any necessary changes must be approved by OGC.

(2) All other loan applicants will execute a loan agreement in substantially the same format as Exhibit D of this Subpart. Any necessary changes must be approved by OGC. The State Director may waive the use of the loan agreement when:

(i) The applicant receives no rental income from its tenants, and

(ii) The applicant is an individual or family farm corporation or partnership. The applicant must agree, and so indicate, that the operation and maintenance of the LH unit(s) are part of the farm operation, and should use Form FmHA 431-2, "Farm and Home Plan," for this purpose, which is available in any FmHA office.

(h) *Restrictions on conditions of occupancy.* No organization borrower other than an association of farmers or

family farm corporation or partnership will be permitted to require that an occupant work on any particular farm or for any any particular owner or interest as a condition of occupancy of the housing. Tenant selection should be in accordance with Exhibit B of this Subpart. No borrower or grantee will discriminate, or permit descrimination by any agent, lessee, or other operator in the use of occupancy of the housing or related facilities because of race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (must possess capacity to enter into legal contract). Each borrower or grantee will comply with Subpart E of Part 1901 of this Chapter and prepare and submit Form HUD 935.2, Affirmative Fair Housing Marketing Plan, which is available in any FmHA office.

(i) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government. The provision of Subpart C of Part 1930 of this Chapter (FmHA Instruction 1930–C) will be followed.

(j) *Location of housing.*

(1) Multifamily type housing designed for year-round occupancy will meet the location requirements as explained in Exhibit A–3 of this Subpart.

(2) Single family type housing designed for year-round occupancy, as explained in Exhibit A–3 of this Subpart, will be located:

(i) On plotted lots within a subdivision which complies with all local requirements and is developed in accordance with Supart D of Part 1804 of this Chapter (FmHA Instruction 424.5), or

(ii) On scattered sites located to meet the location requirements of Subpart A of Part 1822 and Subpart D of Part 1804 of this Chapter (FmHA Instruction 444.1 and 424.5.)

(3) Housing designed for seasonal occupancy, whether single family or multifamily type housing may be located on the farm as long as it is not located near farm service buildings and will be situated to allow for possible conversion to full-year occupancy should the need for migrant farmworkers in the area change.

(k) *Implementation of OMB Circular A–95 concerning formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development.* Except for Indian tribes, when projects have 10 or more individual detached units or 25 or more multiple units, the provisions of Subpart H of Part 1901 of this Chapter apply.

(l) *Guidelines for preparing environmental assessment and environmental impact statements.* All projects shall comply with Subpart G of Part 1901 of this Chapter.

(m) *Guidelines for projects affecting floodplains.* The provisions of the National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 apply to FmHA authorities permitting financing of LH now located in or to be located in special flood or mudslide prone areas as designated by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency. Subpart B of Part 1806 of this Chapter (FmHA Instruction 426.2) applies. It should be emphasized, however, that FmHA's response to floodplain development is not limited to the Flood Insurance Program. Pursuant to Executive Order 11988, "Floodplain Management," FmHA shall not fund any housing projects which impact a floodplain unless there is no practicable alternative siting of the project. Applicants, therefore, should concentrate in the early planning stages of this proposal to locating sites which do not impact floodplains.

(n) *LH loans to Indians secured by trust or restricted land.* Loans to individuals will be secured by a mortgage on the leasehold interest held by the applicant. The leasehold interest must meet the conditions of § 1822.7 (j) of Subpart A of Part 1822 of this chapter (FmHA Instruction 444.1, paragraph VII J). Loans to tribes or tribal corporations will be secured in accordance with §§ 1823.409 and 1823.414(a) of Subpart N of Part 1823 of this Chapter (FmHA Instruction 442.11, paragraphs IX and XIV A).

(o) *Refinancing LH loans.* Each borrower must agree to refinance the unpaid balance of the LH loan at the request of FmHA whenever it appears to FmHA that the borrower is unable to obtain a loan from responsible cooperative or private credit sources at rates and terms which FmHA considers reasonable, and still rent the units to eligible occupants at rental rates within their payment ability. The refinancing of an LH loan must comply with the restrictions indicated in § 1944.176(c)(2) of this Subpart. For all loans closed prior to December 21, 1979, the State Director shall comply and the borrower agrees to, the restrictive provisions of § 1944.200 of this Subpart as a condition for the State Director's approval or acceptance of prepayment of the FmHA loan.

(p) *Prepayment of LH loan.* Borrowers are expected to retain ownership of units developed with LH loans for a period of 20 years for the purpose of housing farmworkers. Prepayment of the LH loan is not permitted by law except under special conditions relating to the continued need for such housing. This limitation will be made part of the security instrument as detailed in § 1944.176 of this Subpart.

(q) *Uniform Relocation Assistance and Real Property Acquisition Act of 1970.* Compliance with the requirements of this Act applies to public bodies and agencies which have the power of emminent domain and/or condemnation. It will be the responsibility of the applicant to provide assistance required for relocation of displaced persons from the site on which a LH project will be located. FmHA loan funds may be increased to cover costs incurred in the relocation of displaced persons from the site over and above the appraised value of the property. Until national FmHA instructions are published the Department regulations found at Part 21 of this Chapter should be followed and the National Office should be consulted for guidance in developing an LH loan for a project affected by this Act. However, the following should be considered:

(1) Generally, sites which will involve relocation of displaced persons should not be considered if alternative sites are available.

(2) For the purpose of determining the appraisal value of the site to be acquired in respect to LH projects which involve relocation of displaced persons, the designated FmHA multiple family housing appraiser or such other agency designated appraiser shall be used.

§§ 1944.165–1944.167 [Reserved]

§ 1944.168 Security requirements.

(a) *General.* Each loan will be secured to adequately protect the financial interest of the Government in the loan during its repayment period. The amount of the loan may not exceed the value of the security for the loan as determined by an appraisal, less the unpaid principal balance, plus past due interest of any prior liens that will or will likely exist against the security after the loan is closed. If the State Director determines it necessary or advisable to encumber household furnishings purchased with loan funds, the State Director will, with the advice of OGC, issue appropriate instructions setting forth the manner in which household furnishings will be secured.

(b) *Loan to an organization or an association of farmers.*

(1) A loan to an organization or an association of farmers which can give a

real estate mortgage will be secured by a mortgage on good and marketable title to the real estate including the housing, the related facilities, and the site, subject to any exceptions that may be waived as provided in Section 1807.2 (d) of Part 1807 of this Chapter (paragraph II D of FmHA Instruction 427.1).

(2) If a first mortgage cannot be obtained, a junior mortgage may be taken provided:

(i) The prior mortgage as affected by the State law does not contain such provisions for future advances, payment schedules, forfeiture or cancellation, foreclosure without adequate notice to junior lienholders, or other matters which may jeopardize FmHA's security position or the borrower's ability to pay the loan; or

(ii) Such provisions are satisfactorily limited, modified waived, or subordinated.

(3) If it is impossible for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken will be determined by the National Office upon the recommendation of the State Director. The State Director should consult OGC as to whether the proposed security is legally permissible

(4) In individual cases, additional security may be advisable to ensure that the loan objectives will be carried out. For example, to provide for more effective management and operation, one or more of the following types of security may be required.

(i) A mortgage on other real estate owned by the applicant.

(ii) A pledge, assignment, mortgage, or other security interest in income from the housing.

(iii) A cosigner on the promissory note, letter of credit, endorsements, assessments, user agreements, personal liability agreements, or membership subscription agreements.

(5) As a general policy, personal liability will be required of the members of an association of farmers.

(c) *Loan to an individual farmowner or family farm corporation or partnership.* For every loan to an individual farmowner or family farm corporation or partnership, a real estate mortgage will be taken on the farm, whenever practicable, in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1). However, if requested by the applicant, a mortgage may be taken on the units and at least enough land to clearly provide adequate security for the loan as determined by an appraisal. In such cases, the loan must meet the following conditions:

(1) If the tract to be mortgaged is covered by a prior lien which also applies to other land, the tract to be given as security must either:

(i) Be released from the prior lien or subordinated to permit a first lien for the LH loan, or

(ii) Provide adequate security for the entire prior lien debt and the LH loan and comply with Section 1822.10(b)(2) of Subpart A of Part 1822 of this Chapter (paragraph X B 2 of FmHA Instruction 444.1).

(2) Personal liability will be required of all stockholders or partners.

§ 1944.169 Technical, legal, and other services.

(a) *Appraisals.*

(1) When real estate is taken as security, the property will be appraised by an FmHA employee authorized to make real estate appraisals. Form FmHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security. When the security being offered is:

(i) *A farm,* an appraisal will be made in accordance with Subpart A of Part 1809 of this Chapter (FmHA Instruction 422.1).

(ii) *Other than a farm, and the units are individual detached dwellings,* an appraisal will be made in accordance with FmHA Instruction 422.3 which is available in any FmHA office.

(iii) *Other than a farm, and involves multifamily or dormitory-type housing,* an appraisal will be made in accordance with Subpart B of Part 1922 of this Chapter.

(2) If the loan includes funds for purchasing household furnishings or equipment which will not become part of the real estate, a narrative type appraisal, identifying the items, will be prepared by the employee preparing the real estate appraisal. The value place on such furnishings will be based on comparable selling prices in the area.

(b) *Architectural and engineering services.* Housing and related facilities will be planned and designed to meet the needs of the type of occupants who will likely occupy it. A written contract for architectural or engineering services will be required as outlined in Subpart A of part 1924 of this Chapter.

(c) *Construction and development policies.*

(1) *Planning and construction.* Housing and related facilities will be planned in accordance with Subpart A of Part 1924 of this Chapter and Exhibit A–3 of this Subpart. Construction and development will be performed in accordance with Subpart A of Part 1924 of this Chapter.

(2) *Davis-Bacon Act.* Construction financed with the assistance of an LH grant will be subject to Subpart D of Part 1901 of this Chapter regarding the Davis-Bacon Act and related requirements.

(3) *Compliance with local codes and regulations.* Planning construction, and operation of housing finance with the LH loan or grant will conform with all applicable Federal, State, and local laws, ordinances, codes, and regulations governing such matters as zoning, construction, heating, plumbing, electrical installation, fire prevention, health and safety, and sanitation. If there are no local or State codes and regulations governing these matters, the State Director will issue appropriate guidelines to insure that the facilities meet all FmHA requirements.

(4) *Land use objectives.* Location of projects shall, to the extent practicable, result in the preservation of Important Farmlands and Forestlands, Prime Rangeland and Wetlands. State Directors will assure that FmHA actions, investments, and programs on non-Federal lands are consistent with State and local land use plans and programs to the extent practicable. In carrying this out, State Directors will:

(i) Attempt to integrate departmental and State and local land use policies and programs.

(ii) Identify and minimize to the extent practicable adverse environmental, economic, and social effects of FmHA projects and programs.

(iii) Provide landholders and other concerned people information about the alternatives to, and the associated environmental, social, and economic implications of proposed actions.

(iv) Refrain from enabling others to irreversibly convert these lands or encroaching or enabling other encroachments on flood plains unless there are no practicable alternatives.

(v) In unusual circumstances when the State Director is unable to make a determination regarding land classification, the State Director will request assistance from the Administrator of the Soil Conservation Service in Washington, D.C.

(d) *Optioning of land.* If a loan or grant includes funds to purchase real estate, an acceptable option to purchase or purchase agreement will be included in the application. After the loan is approved, the District Director will have Form FmHA 440–35, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(e) *Insurance.* The State Director will determine the minimum amounts and

types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Subpart A of Part 1806 of this Chapter (FmHA Instruction 426.1).

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or may be required when appropriate, to obtain liability insurance.

(f) *Title clearance and legal services.* When the applicant is an organization, or has special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the OGC. In other cases, the provisions of Part 1807 of this Chapter (FmHA Instruction 427.1) regarding title clearance and legal services apply.

(g) *Use of and accountability for loan and grant funds.* Loan and grant funds and any funds furnished by the borrower for authorized purposes will be deposited and handled in accordance with Subpart A of Part 1902 of this Chapter.

(1) Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the project, for which loan or grant funds could not be used, should not be deposited in the supervised bank account with loan or grant funds.

(2) For all organizations collateral will be pledged by the depository bank for any loan or grant funds or borrower contribution in accordance with Section 1902.7 of Part 1902 of this Chapter.

(3) Funds may be disbursed from the supervised bank account only for authorized loan or grant purposes.

(h) *Bond counsel.* All public bodies offering bonds as security for the LH loan are required to obtain the services of recognized bond counsel in the preparation of evidence of indebtedness in accordance with § 1942.19 of Subpart A of Part 1942 of this Chapter except as provided in paragraph 1 of Exhibit H of this Subpart.

(i) *Bonding.* (1) The provisions of Subpart A of Part 1924 of this Chapter pertaining to surety bonds are applicable to LH loans and grants.

(2) If the applicant is an organization, it will provide fidelity bond coverage for the official(s) entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily saleable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan or grant funds deposited in a supervised bank account. The United States will be named co-obligee in the bond if not prohibited by State law. Form FmHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

(j) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract for these services. All such contracts will be subject to review and approval by FmHA and, therefore, should be submitted to FmHA before execution by the applicant. Contracts will provide for the types of service to be performed and the amount of the fees to be paid, either in lump-sum on the completion of all services or in installments as services are performed. "Legal Service Agreement," Exhibit G of this Subpart, may be used.

§ 1944.170 Processing preapplications.

(a) *Preapplication.* Form AD–621, "Preapplication for Federal Assistance," with the additional information outlined in Exhibit A–1 or A–2 of this Subpart, as applicable, will be submitted to the District Director. This information is used to determine the applicant's eligibility and eliminate any proposals which have little or no chance for funding. The applicant should be instructed not to prepare an application until notified to proceed. General guidance to applicants is provided in the Labor Housing Loan and Grant Application Handbook, Exhibit A.

(b) *Actions by District Director.* The preapplication, with attachments, will be reviewed by the District Director. The District Director will inspect the site and consider its desirability if it appears that the applicant is eligible.

(1) If the preapplication proposes an LH loan of a type and amount within the approval authority of the District Director according to Subpart A of Part 1901 of this Chapter, the District Director should determine the applicant's eligibility and execute Form AD–622, "Notice of Preapplication Review Action."

(2) If the preapplication proposes an LH loan and/or grant which requires State Office approval, the preapplication, including the comments and recommendations of the District Director and any additional material considered necessary, will be forwarded to the State Director.

(c) *Actions by State Director.* (1) If the applicant is an organization adopting without change the "Articles and Bylaws" prescribed by State supplements, the preapplication need not be submitted to OGC.

(2) In all other cases involving loans or grants to organizations, the docket, with any questions or comments of the State Director, will be submitted to OGC for a preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this Subpart.

(3) Determining amount of grant.

(i) General. The State Director will determine the amount the applicant can obtain from other sources, including an LH loan, and the amount of the grant to be made, within the limits set forth in § 1944.164(b)(2). The State Director will make this determination after thoroughly analyzing the information in the docket and receiving authorization from the National Office.

(ii) Method of determining amount of grant.

(A) The State Director will examine the income of the project based on the estimated rental charges and operating costs of the housing when in full operation to determine the soundness of the operations. When there is any doubt as to the probable soundness due to unrealistic planning of income or operating expenses, or for other reasons, the housing project and its operation will be discussed with the applicant to determine changes which can be made to correct the deficiencies.

(B) When a sound plan of operation has been agreed upon, the State Director will determine the amount of funds that can be expected to be available from other sources, including an LH loan. The State Director will also determine the amount of income available for loan repayments after allowing for reasonable and necessary maintenance costs, payments on debts of the applicant, and the orderly accumulation of an adequate reserve.

(C) The amount of the grants will be the difference between the amount of funds to be provided in accordance with paragraph (c)(3)(ii)(B) of this section, plus any funds available from the applicant's own resources and the total development cost of the project. In no case, however, may the amount of the grant exceed 90 percent of the total development cost.

(4) When the State Director considers it necessary, any preapplication may be sent to the National Office for evaluation and instructions.

(5) The State Director will determine the priority of the preapplication when grant funds are applied for in accordance with § 1944.164(b)(1) of this Subpart. If in accordance with those priorities, and after completing review of the preapplication material and

determining the amount of grant, the State Director will notify the District Director of the State Director's determination and authorize the District Director to prepare and execute Form AD–622. The District Director will forward the original to the applicant, a copy to the State Director, and a copy to the case file.

§ 1944.171 Preparation of completed loan and/or grant docket.

(a) *Information needed.* If the applicant has been requested to file an application, Form AD–625, "Application for Federal Assistance (Short Form)," and the additional information as outlined in Exhibit A–1 or A–2, as applicable, will be submitted to the District Director.

(b) *District Director's responsibility.* As the information for the loan docket is being developed, the District Director will work closely with the applicant. The District Director will review and verify the information furnished for correctness, adequacy, and completeness. The District Director will determine that the market survey is adequate and that the market survey report is accurate. The District Director will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management.

(c) *County Committee certification.* County Committees will not be used to review LH loan and/or grant applications.

(d) *Assembly, review, and distribution of complete loan and/or grant docket items.* When all items required for the complete loan and/or grant docket have been furnished, they will be examined thoroughly by the FmHA official who will approve the loan and/or grant to make sure they are properly and accurately prepared and are complete in all aspects, including dates and signatures. The loan and/or grant docket items will be assembled in the following order for distribution after approval:

Form No.	Name of form or document	Total number of copies	Signed by borrower	Number for docket	Copy for borrower
AD–621	Preapplication for Federal Assistance	3	1	2–0&1C	1–C
Exhibit A–1 (or Exhibit A–2) [2]	Information to be Submitted for Labor Housing (LH) Loan or Grant.	2	0	1–0	1–C
	Memorandum from the National Office authorizing development of loan docket and loan or grant approval if required by § 1944.170(c) [2].	1		1–0	
AD–622	Notice of Preapplication Review Action	3		2–C	1–0
AD–625	Application for Federal Assistance (Short Form)	3	1	2–0&1C	1–C
Exhibit A–1 (or Exhibit A–2) [2]	Information to be Submitted for an LH Loan or Grant	2	0	1–0	1–C
FmHA 444–5	Multiple Family Housing Fund Analysis	4		4–0&3C	
FmHA 440–1	Request for Obligation of Funds	4	2–0&1C	3–0&2C	1
FmHA 400–1	Equal Opportunity Agreement	2		1–0	1–C
FmHA 400–3 [2]	Notice to Contractors and Applicants	3		2–0&1C	1–C
FmHA 400–4	Nondiscrimination Agreement	2	1	1	1
FmHA 400–6	Compliance Statement	3		2–0&1C	1–C
HUD 935.2 [2]	Affirmative Fair Housing Marketing Plan	2		2–0&1C	
	Evidence of Legal Authority (copies or citation of specific provisions of State constitution and statutory authority) [2].	2	1	1–0	1–C
	Appraisal report with attachments	1		1–0	
FmHA 449–10 [2]	Applicant's Environmental Impact Evaluation	1		1–0	
FmHA 440–46 [2]	Environmental Impact Assessment	1		1–0	
FmHA 426–1	Valuation of Buildings	1		1–0	
FmHA 440–9 [2]	Supplementary Payment Agreement	2	1	1–0	1–C
Other Loan Docket Items. Preliminary Title Opinion or a title insurance binder and a copy of deed, purchase contract, or other instrument of ownership, or an option.					
	Proof of Organization (certified copy of charter or articles of incorporation) [1].	2	1	1–0	1–C
	Certified copies of bylaws or regulations [1]	2	1	1–0	1–C
	List of names and addresses of officers, directors, and members and membership interest held by each [1].	2	1	1–0	1–C
	Certified copy of Loan Resolution [1]	1	1	1–0	
	Loan Agreement [2]	2	1	1–0	1–C
	Survey of land given as security, plans, specifications, cost estimates, and proposed manner of construction [2].	2	1	1–0	1–C
Exhibit A–5 [2]	Statement of Budget, Income, and Expense	2	1	1–0	1–C
FmHA 431–2 [2]	Farm and Home Plan	2	1	1–0	1–C
When applicable, include copy of lease or occupancy agreement to be used, report of lien search, option or foreclosure notice agreement, and items of information concern prior mortgage(s).					

[1] When applicant is an organization.
[2] When applicable.

(e) *Submission of docket to State Office.* The loan and/or grant docket needing State Office approval, including comments and recommendations by the District Director, will be submitted to the State Office. The State Director will prepare and include in the docket a memorandum to the District Director which will either require additional information if the material submitted is inadequate or will set forth the conditions of loan approval. The advice of OGC should be obtained for all loans and/or grants to organizations and associations of farmers and their comments included in the memoradum to the State Director. If the State Director determines that the loan and/or grant should be approved, the State Director will approve the loan and/or grant and sign the memorandum to the District Director.

(f) *Submission of docket to National Office.* The final loan and/or grant docket need not be submitted to the National Office unless required by an authorizing memorandum resulting from compliance with § 1944.170.

(g) *Press release.* When it is determined that a loan and/or grant can be approved, a press release will be prepared in accordance with FmHA Instruction 2015–C which is available in the FmHA State and National Offices.

§ 1944.172 [Reserved]

§ 1944.173 Loan and grant approval—delegation of authority.

The State Director and District Director are authorized to approve loans and/or grants in accordance with this Subpart and Subpart A of Part 1901 of this Chapter. The State Director may delegate loan or grant approval in writing to State Office employees other than District Directors. No LH grant may be approved by the State Director without the prior consent of the National Office.

(a) *Action before loan or grant approval.* The loan or grant approval official is responsible for reviewing the docket to determine that the proposed loan and/or grant complies with all pertinent regulations, instructions, and directives. In making this review, the approval official will determine that:

(1) The applicant is eligible.

(2) The funds are requested for authorized purposes.

(3) The proposed loan or grant is sound.

(4) The security is adequate for the loan.

(5) All preapproval requirements have been met.

(6) Compliance with Title VI of the Civil Rights Act will be met.

(7) All other requirements will be met.

(b) *Approval of a loan or grant.* When a loan and/or grant is approved:

(1) The approval official will prepare and sign Form FmHA 440–1 in an original and two copies. The State Director or a designee will telephone the Finance Office Check Request Station and request that loan and/or grant funds for a particular project be obligated.

(2) Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request for obligation. After the security code is furnished, all information contained on Form FmHA 440–1 will be furnished the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of the request.

(3) The individual making the request will record the date and time of the request and sign Form FmHA 440–1 in section 37.

(4) The Finance Office will terminally process telephone obligation requests. Those requests for obligation received before 2:30 p.m. Central Time will be processed on the date of the request. Requests received after 2:30 p.m. Central Time, to the extent possible, will be processed on the date received; however, there may be instances in which a request will be processed on the next working day.

(5) Each working day the Finance Office will notify the State Office by telephone of all projects for which funds were reserved during the previous night's processing cycle and the date of obligation. If funds cannot be reserved for a project, the Finance Office will notify the State Office that funds are not available within the State allocation. The obligation date will be 6 working days from the date the request for obligation is processed in the Finance Office. The Finance Office will mail to the State Offices Form FmHA 440–57, "Acknowledgment of Obligated Funds/Check Request," confirming the reservation of funds with the obligation date inserted as required by item no. 9 on the Forms Manual Insert (FMI) for Form FmHA 440–57. Form FmHA 440–57 will be prepared and distributed in accordance with the FMI.

(6) After notification by the Finance Office that the funds have been reserved, the original only of Form FmHA 444–5 accompanied by a copy of any National Office memorandum authorizing approval, will be mailed to the Finance Office and a copy to the National Office. Forms FmHA 440–1 for those obligations requested by telephone *will not* be mailed to the Finance Office. Immediately after notification by telephone of the reservation of funds for not-for-profit organizations and public bodies, the State Director will call the Information Division in the National Office as required by FmHA Instruction 2015–C. Notice of approval to the applicant will be accomplished by mailing the applicant's signed copy of Form FmHA 440–1 on the obligation date. The State Director or a designee will record the actual date of applicant notification on the original of Form FmHA 440–1 and include the original of the form as a permanent part of the District Office project file with a copy in the State Office file.

(7) Determine the maximum rental rates to be charged domestic farm labor for occupancy of the housing, and advise the applicant, by memorandum, of these maximum rates. In determining the maximum rental rates due consideration must be given to the income and earning capacity of the prospective occupants of the housing and the cost of operating and maintaining such housing. As a general guide, the rental charges should not exceed 25 percent of the occupant families' estimated adjusted annual income.

(c) *Disapproval of or adverse action on a loan or grant.* When a loan and/or grant is disapproved or if adverse action is taken, the reasons for such action will be shown on the original Form FmHA 440–1. Form FmHA 440–1 will be initialed and dated. The District Director will notify the applicant in writing of the disapproval of or adverse action on the loan or grant and the reasons therefore and advise them of their right to appeal in accordance with Subpart B of Part 1900 of this Chapter. The disapproved docket will then be handled in accordance with Form FmHA Instruction 2033–A which is available in any FmHA office. Any appeals as a result of disapproval or adverse action will be handled in accordance with Subpart B of Part 1900 of this Chapter.

§ 1944.174 Distribution of loan and/or grant approval documents.

(a) *OGC.* For a loan to an organization, or in special cases, the approved loan or grant docket, including any title evidence, will be sent to OGC by the State Office for preparation of closing instructions and any special legal documents required for closing. The original executed, witnessed loan and grant resolution, or a certified copy of the required loan and grant resolution must be supplied by the applicant in time to be included in the loan or grant docket. If applicable, the docket will also include the proposed grant agreement for OGC review. No docket will be considered which fails to include such a required resolution or proposed agreement. OGC will route the docket, including closing instructions and any such legal documents, to the District Office through the State Office for review and for inclusion of any further instructions needed in closing the loan.

(b) *State Central Information Reception Agency (SCIRA).* Standard Form 424, "Federal Assistance," will be prepared by the State Director within 7 days after approval of an initial or subsequent grant or after a change in the amount or purpose of a grant in accordance with Subpart J of Part 1901 of this Chapter.

§ 1944.175 Actions subsequent to loan and/or grant approval.

(a) *Interim financing from commercial sources.* Interim financing may be used when a loan or combination loan and grant exceeds $50,000 provided funds can be borrowed at reasonable interest rates from commercial sources for the construction period. When interim commercial financing is used:

(1) The docket will be processed to the stage where the FmHA loan or combination loan and grant would normally be closed. FmHA loan or combination loan and grant funds will be obligated before the applicant proceeds with the final arrangements for interim commercial financing.

(2) The State Director or District Director may deliver a copy of Form FmHA 440–57 as evidence of FmHA commitment, if necessary, or a letter stating that funds in specified amounts have been obligated and will be available to retire the interim financing if the applicant complies with the approval conditions. See Exhibit I of this Subpart for a sample letter that may be used.

(3) FmHA will undertake similar functions as if FmHA funds had been advanced from the standpoint of approving construction contracts and the monitoring of construction.

(4) The supervised bank account will normally not be used for funds obtained through interim commercial financing. However, the District Director will approve Form FmHA 424–18, "Partial Payment Estimate," to insure that funds are used for authorized purposes.

(5) When the interim financing funds have been expended, the FmHA loan or

combination loan and grant will be closed and permanent instruments will be issued to evidence the FmHA indebtedness. The FmHA loan or combination loan and grant proceeds will be used to retire the interim commercial indebtedness.

(6) Before the FmHA loan or combination loan and grant is closed, the applicant will be required to provide the district Director with statements from the contractor(s), engineer, and attorney that they have been paid in full in accordance with their contracts or other agreements and that there are no unpaid obligations outstanding in connection with the construction of the project. See in addition Section 1924.6 of Subpart A of Part 1924.

(b) *Multiple advances of LH loan and/or grant funds.* In the event FmHA provides grant only assistance, or if interim commercial financing is not available for a loan or combination loan and grant in excess of $50,000, multiple advances will be used subject to the following:

(1) When relatively large amounts of funds are to be expended for purchases of real estate or for other reasons at the time of closing, separate checks for such purposes may be ordered and endorsed by the borrower to the seller or other appropriate party. This will preclude the necessity for depositing such funds in the supervised bank account and reduce the amount of required collateral.

(2) Except as indicated in paragraph (b) (1) of this section, advances will be made only as needed to cover disbursements required by the borrower for a 30-day period. Normally, the advances should not exceed 24 in number or extend longer than 2 years beyond loan closing. The retained percentage withheld from the contract or to assure that construction will be completed in accordance with the contract documents will ordinarily be included in the last advance. Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay costs of construction, land purchase, legal, engineering, or architectural costs, interest, and other expenses, as needed. The borrower will prepare Form FmHA 440–11, "Estimate of Funds Needed for 30-day Period Commmencing ————," modified as needed, to show the amount of funds required during the 30-day period. This form will be approved by the District Director. After the District Director determines that the estimate prepared by the borrower is adequate, the District Director will request the advance by indicating the amount on Form FmHA 440–57 in accordance with the FMI and forwarding it to the Finance Office, St. Louis, Missouri. As an example, for a loan and/or grant of $100,000, the advances may be made as follows: Assuming that the loan and/or grant will be closed on July 1, the borrower will complete Form FmHA 440–11 in sufficient time so that the funds will be available on the day of loan closing. The estimates should be broken down for the first advance in a manner similar to the following:

Construction	$30,000
Land acquisition	5,000
Architectural	4,000
Legal	1,000
Total	$40,000

An Advance in the amount of $40,000 would then be available on July 1, the date of loan closing. The second advance will also be based on the borrower's estimate prepared on Form FmHA 440–11, and will be prepared in sufficient time so that the estimated amount of funds will be available on August 1. This estimate of funds might be broken down as follows:

Construction	$20,000
Architectural	1,000
Total	$21,000

A copy of Form FmHA 440–57 specifying the amount then will be forwarded to the Finance Office. The same routine will be followed for each advance until the project is completed.

(3) Any deviation from the multiple advance procedure must have the prior approval of the National Office.

(c) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date for loan closing has been agreed upon, the District Director will determine the amount of funds needed in accordance with either paragraph (a) or (b) of this section. The District Director or the District Director's delegate will then order the loan and/or grant check so that it will be available on or just before the date set for loan closing.

(d) *Increase or decrease in the amount of the loan.* If it becomes necessary for the amount of the loan and/or grant to be increased or decreased before loan closing, the loan approval official or District Director will request that all distributed docket forms be returned to the District Office. The loan docket will be revised accordingly and reprocessed.

(e) *Cancellation of loan.* Loans and/or grants may be canceled after approval and before loan closing as follows:

(1) The District Director will prepare Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," in an original and two copies (3 copies if the check is received in the District Office from the Regional Disbursing Office). The original and copies will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, the State Director will forward the original request to the Finance Office after making appropriate adjustments in the records to control loan allocations. A copy of Form FmHA 440–10 will be sent to the National Office and the District Office.

(2) If the loan or grant check is received in the District Office, the District Director will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 3329, Kansas City, Kansas 66103, with a copy of Form FmHA 440–10.

(3) All interested parties will be notified of the cancellation as provided in Part 1807 of this Chapter (FmHA Instruction 427.1).

(f) *Handling the loan or grant check.* The loan or grant check will be handled in accordance with paragraph IV of FmHA Instruction 102.1 which is available in any FmHA office and Subpart A of Part 1902 of this Chapter.

(g) *Property insurance.* Buildings will be insured in accordance with Subpart A of Part 1806 of this Chapter (FmHA Instruction 426.1).

§ 1944.176 Loan and/or grant closing.

(a) *Applicable instructions.* LH loans and/or grants will be closed in accordance with applicable provisions of Part 1807 of this Chapter (FmHA Instruction 427.1) and State supplements. Loan dockets for an organization and loan dockets for an individual in special cases will be sent to OGC for additional closing instructions. A family farm corporation or partnership or an association of farmers applicant may use its attorney to close the loan in accordance with applicable loan closing instructions provided the attorney is not a member, officer, director, trustee, stockholder, or partner of the applicant entity. Nonprofit organizations may use an attorney who is a member of their organization. The cost incurred by the organization for legal services must be reasonable and competitive for the area.

(b) *LH grant agreement.* An LH grant agreement, prepared and authorized as provided in § 1944.164(e), will be dated and executed by the applicant on the date of grant closing. The executed agreement will be filed with the mortgage or other security instrument in the County Office case file.

(c) *Mortgage.* Unless the OGC determines the form to be inappropriate,

real estate mortgage Form FmHA 427–1 (State), "Real Estate Mortgage for ———," will be used. For loans and/or grants to organizations, Form FmHA 427–1 will be modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, style of execution, acknowledgment, and any other provisions.

(1) The mortgage or other instrument will contain the following covenant:

"The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the property continues to be used for the same or similar purpose for which financial assistance was extended or for so long as the purchaser owns it, whichever is longer."

(2) For all LH loans approved on or after December 21, 1979, the following language shall be included in the mortgage:

"The borrower and any successors in interest agree to use the housing for the purpose of housing people eligible for occupancy as provided in section 514 of Title V of the Housing Act of 1949 and FmHA regulations then extant during this 20 year period beginning ——— (the date the last loan on the project is closed). No person occupying the housing shall be required to vacate prior to the close of such 20 year period because of early repayment. The borrower will be released during such period from these obligations only when the Government determines that there is no longer a need for such housing or that Federal or other financial assistance provided to the residents of such housing will no longer be provided. A tenant may seek enforcement of this provision as well as the government".

(3) For all Section 514 loans *approved* prior to December 21, 1979, and closed after that date, you will include the following language in the Mortgage and Loan Resolution or Loan Agreement:

"The borrower and any successors in interest agree as required by Section 502 (c)(2) of the Title of the Housing Act of 1949, as amended, then extant, to use the housing for the purpose of housing people eligible for occupancy as provided in Section 514 of Title V of the Housing Act of 1949, as amended and FmHA regulations then extant during this ——— (15 year for unsubsidized and 20 years for subsidized loans) year period beginning ——— (the date the last loan on the project is closed). The borrower understands that should an unsubsidized project be converted to subsidized within 15 years from the date the last loan on the project is closed, that the period will be increased by 5 years. The borrower will be released during such period from these obligations only when the Government determines that:

(i) Affordable, decent, safe, and sanitary alternative housing is available to the tenants who are likely to be displaced due to a change in the use of such housing and related facilities, or to an increase in rental or other charges likely to occur as a result of prepayment.

(ii) and, in the case of housing or related facilities containing more than 10 dwelling units, that the change likely to occur as a result of such prepayment will *not* have a substantial adverse effect on the supply of affordable, decent, safe, and sanitary housing available to low- and moderate-income and elderly or handicapped persons in the area in which such housing and related facilities are located. A tenant may seek enforcement of this provision as well as the Government."

Any borrower whose loan was approved prior to December 21, 1979, and was closed on or after that date with the prospective restrictive language in the Mortgage, Loan Resolution or Agreement should be notified that they have the option of having these instruments modified if they desire to do so. Any cost associated with the modification must, however, be borne by the borrower. Any action in this area should be approved by the Office of the General Counsel.

(4) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

"This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of *(Date)*, which is hereby incorporated herein by reference."

(5) When a loan resolution or loan agreement is *not* used, the following will be included in the mortgage:

(i) "Occupancy of the housing will be limited to domestic farmworkers or migrants as defined in this Subpart unless the Government gives prior written approval for other occupancy, except that in no case will a member of the borrower's immediate family occupy the housing."

(ii) "The housing will be operated on a nonprofit basis. The borrower will provide any financial information requested concerning income and expenses connected with the housing."

(6) When the borrower is an organization the mortgage will include the following provision:

"Borrower will not require any occupant of the housing or related facilities, as a condition of occupancy, to work or be employed on any particular farm or other place, or work for or be employed by any particular person, firm, or interest."

(7) For a grant made at the same time as an LH loan, the mortgage securing the loan will contain a provision making it also secure the applicant's obligations under the LH grant agreement. For a grant not made at the same time as an LH loan, the type of security instrument will be determined by the National Office based upon the State Director's recommendation and the advice of OGC.

(d) *Promissory Note.*

(1) The total amount to be shown on the note will be shown on Form FmHA 440–1. The note will be dated the date of loan closing as authorized in § 1807.2(f)(8) of Part 1807 of this Chapter (paragraph II F 8 of FmHA Instruction 427.1).

(2) Form FmHA 440–16, "Promissory Note," will be used for all LH loans. Payments on LH loans will be scheduled on an annual basis and in accordance with the FMI. Form FmHA 440–9 will be used to schedule payments on a monthly, quarterly, or semi-annual basis in accordance with the expected schedule of income from the project.

(3) Deferred principal payments may be permitted up to 2 years when determined to be necessary and advisable. Accrued interest must be paid annually; however, smaller than regular payments of principal or no payments of principal may be provided for the first and second installments after loan closing.

(4) The note(s) will be signed in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1) and any supplemental instructions from OGC.

(5) Immediately after loan closing the original notes and copies will be distributed in accordance with the FMI.

(6) For a loan to a public body the forms of obligation will be determined in accordance with § 1942.19 of Subpart A of Part 1942 of this Chapter.

(e) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the District Director will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place of recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage, conformed as to all matters except the recording date, will be delivered to the borrower.

(f) *Date of closing—establishment of account.*

(1) An LH loan and/or grant is considered closed when the security instrument is filed of record or, if no security instrument is filed of record, when the loan or grant funds are deposited in the supervised bank account or otherwise made available to the borrower after the borrower executes and delivers the note and any other required instruments.

(2) After the loan and/or grant is closed, the account and case folder will be established in accordance with applicable FmHA regulations (FmHA Instructions 405.1 which is available in any FmHA office and FmHA Instruction 2033–B which is available in the FmHA State and National Offices.)

§ 1944.177 Coding loans and grants as to initial or subsequent.

A borrower may obtain financing for more than one project. Each project will be coded as an initial loan or grant when the total number of units are built or purchased at one place at one time. A subsequent loan or grant will be so coded when an additional loan or grant is necessary to complete the units planned with the initial loan or grant. As an example, the borrower may obtain initial loans or grant for more than one project in the same district, in different counties under the same District Office jurisdiction, or in more than one District Office jurisdiction. Codes to be used will be in accordance with the FMI for Forms FmHA 440–1, FmHA 440–57, and FmHA 444–5.

§ 1944.178 Complaints regarding discrimination in use and occupancy of LH.

Any occupant or applicant for occupancy or use of such LH or related facilities who believe they have been discriminated against because of race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (must possess capacity to enter into legal contract) may file a complaint with the District Director or State Director. Any complaint will be referred through the State Director to the National Office.

(a) The complaint should be in writing and signed by the complainant. However, the complaint may be phoned to a FmHA office. In any case, the complaint should contain the following information (the FmHA employees will provide assistance as needed in preparing the complaint).

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(b) The District Director or State Director will acknowledge receipt of the complaint and promptly forward it to the National Office.

(c) Attached to the complaint should be a statement from the District Director or State Director as to whether the security instrument or other document executed by the borrower contains a nondiscrimination agreement. The statement also should include any other information which the State Director or District Director has pertaining to the complaint. The District Director or State Director should delay a comprehensive investigation of any complaint until requested to conduct the investigation by the National Office.

(d) The National Office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(e) If it is found that the borrower's nondiscrimination agreement in the security instrument or elsewhere was violated, FmHA will inform the parties of such finding and advise the violator to take the action necessary to correct the violation and to give appropriate assurance of future compliance.

(f) If it is found that the complaint is without substance, the parties concerned will be so notified.

(g) If the borrower fails to take such corrective action and assure future compliance, the Administrator may take further appropriate action.

§§ 1944.179–1944.180 [Reserved]

§ 1944.181 Loan servicing.

LH loans and grants will be serviced in accordance with Subpart B of Part 1924 of this Chapter and Subpart G of Part 1802 of this Chapter (FmHA Instruction 430.2). Requests for rent increases will be processed in accordance with Exhibit F of Subpart G of Part 1802 of this Chapter (FmHA Instruction 430.2, Exhibit F).

§ 1944.182 Rental assistance.

Rental assistance may be provided to eligible tenants in LH projects in accordance with Exhibit R of Subpart D of Part 1822 of this Chapter (Exhibit R of FmHA Instruction 444.5). Income will be verified for LH tenants requesting rental assistance from all easily identifiable sources by using Form FmHA 410–5, "Request for Verification of Employment." Income or portions of income from sources that are not known or not easily contacted will be verified from the best information obtainable. This may include copies of payroll records, tenant's own records, contacts with individuals who may be knowledgeable of the tenant's income, or, if no other verifiable data is available, a notarized affidavit from the tenant attesting to his/her previous year's income. The borrower and tenant will execute Form FmHA 444–8, "Tenant Certification." The borrower will be expected to certify only that the income is correctly stated based on the best information available. The borrower will be expected to have the tenants that occupy the project year round and do not have easily verifiable income report monthly income to enable accurate income certification at the end of one year of occupancy.

§ 1944.183 Exception authority.

The Administrator of the Farmers Home Administration may, in individual cases, make an exception to any requirements of this Subpart not required by the authorizing statute if the Administrator finds that application of such requirement would adversely affect the interest of the Government, the immediate health or safety of the tenants or the community. The Administrator will exercise the authority only at the request of the State Director. The State Director will submit the request supported by data: demonstrating the adverse impact; identifying the particular requirement involved; showing proper alternative courses of action; and, identifying how the adverse impact will be eliminated.

§§ 1944.184–1944.199 [Reserved]

§ 1944.200 Refinancing of LH loans approved and closed prior to December 21, 1979.

The State Director should notify by certified mail to all borrowers of record as of December 21, 1979, that the Housing and Community Development Amendments of 1979 contain restrictive provisions for the prepayment of Section 514 loans. These restrictive provisions will remain in effect for 15 years from the date the loan was made in the case of a nonsubsidized loan and 20 years for subsidized loans. These borrowers should be further informed that if they do plan to prepay their loan, they should counsel with FmHA prior to making any commitments to determine the exact requirements.

(a) The State Director may accept offers to prepay after examining the offer and its likely consequences or may require graduation under Part 1865 of this Chapter (FmHA Instruction 451.6). Unless the State Director determines:

(1) That due to a change in the use of such housing and related facilities, or to an increase in rental or other charges likely to occur as a result of prepayment, the low and moderate income and elderly or handicapped tenants occupying the assisted housing at the time of such offer or request cannot reasonably be expected to remain in occupancy for such period. However, notwithstanding such a determination, such offer or request to prepay may be processed only *if* affordable, decent,

safe, sanitary, and nonassisted alternative housing, or vacant assisted units for which there is no waiting list, is available to the tenants who are likely to be displaced as a result of such change or increase, and

(2) in the case of housing or related facilities containing more than 10 dwelling units, that the changes likely to occur as a result of such prepayment will have a substantial adverse effect on the supply of affordable, decent, safe, and sanitary housing available to low- and moderate-income and elderly or handicapped persons in the area in which such housing and related facilities are located.

(b) For transfers outside the program, if the State Director makes an affirmative determination under paragraph (1) or (2) of this section, then prepayment may be accepted only if a clause is inserted in the deed. The clause would read as follows:

"The purchaser agrees that the housing located on this property will be used only as authorized under section 514 of the Housing Act of 1949 and FmHA regulations then extant until ——— (insert date, 15 or 20 years from the date the last loan on the project was closed). A tenant may seek enforcement of this provision as well as the United States. No person occupying the housing shall be required to vacate during such period because of early repayment."

(c) That, if the borrower wishes to prepay and operate the property within the objectives of the program or to transfer the loan to a transferee that will keep the housing within the program, a document containing the restrictive language that appears below must be executed. In the case of transferees, the restrictive language will be inserted in the Assumption Agreement and Loan Resolution or Loan Agreement. In the case of borrowers prepaying but not transferring the property, the restrictive language will be inserted in the deed of release and filed for record.

"The borrower and any successors in interest agree to use the housing for the purpose of housing people eligible for occupancy as provided in Section 514 of Title V of the Housing Act of 1949 and FmHA regulations then extant during the ——— year period beginning ——— (the date the last loan on the project is closed). The borrower also agrees that no person occupying the housing shall be required to vacate prior to the close of such ——— year period because of early prepayment. The borrower will be released from these obligations only when the Government determines that there is no longer a need for such housing or that Federal or other financial assistance provided to the residents of such housing will no longer be provided."

Exhibit A—Labor Housing Loan and Grant Application Handbook

Introduction.

Development of a proposal for a Labor Housing (LH) loan and grant can be an expensive proposition and the Farmers Home Administration (FmHA), therefore, encourages applicants to develop applications in two phases which are termed preapplication phase and application phase. In development of the items required for the preapplication phase, applicants should understand that the Government is in no way obligated to commit loan or grant funds to the proposed project and therefore, they should not, at this stage, incur expenses for the optioning of land, architectural services, engineering services, or other purposes unless they will be able to use their own funds to pay these expenses. In addition, before the development of a preapplication, applicants should meet with the local FmHA District Director to gain a basic understanding of the eligibility and other requirements of the LH loan and grant program..

Applicants should also be aware that rental assistance (RA) subsidies are available to eligible projects to reduce rents for low-income farmworkers. RA may be used in conjunction with LH grants to develop feasible LH projects to meet local farmworker housing needs. When at all possible, applicants should consider the use of RA in lieu of a full 90% grant for LH projects with year-round occupancy.

Exhibit A–1—Information to be Submitted by Organizations and Associations of Farmers for Labor Housing Loan or Grant

I. The following information should be submitted with Form AD–621, "Preapplication for Federal Assistance":

A. *Eligibility:*

1. Financial Statement—A current, dated, and signed financial statement showing assets and liabilities with information on the repayment schedule and status of all debts. If the applicant is an association of farmers, a current financial statement will also be required from each member who holds an interest in the association in excess of 10 percent. The applicant, must have or be able to obtain initial operating capital of at least 2 percent of the total development cost of the project. A statement should, therefore, be included explaining how such funds will be provided. Loan or grant funds may be used to provide the required initial operating capital for nonprofit and State or local public agencies.

2. All applicants, except State and local public agencies, must provide evidence that they are unable to obtain credit from other sources. Letters from credit institutions who normally provide real estate loans in the area should be obtained and these letters should indicate the rates and terms upon which a loan might be provided.

3. If a Labor Housing (LH) grant is requested, the applicant should provide a statement on their projected use of Rental Assistance (RA) and their need for a LH grant. This statement should include preliminary estimates of the rents required with and without a grant and the relative need for a grant if RA is provided to supplement market rents for eligible farmworkers. [LH grants and RA are not available to associations of farmers.]

4. A statement of the applicant's experience in operating LH or other rental housing. If the applicant's experience is limited, additional information should be provided to indicate how the applicant plans to compensate for this limited experience. (i.e., obtaining assistance and advice of a management firm, non-profit group, public agency, or other organization which is experienced in rental management and will be available on a continuous basis).

5. A brief statement explaining the applicant's proposed method of operation and management. This does not have to be a full-fledged management plan, as outlined by Exhibit B of this Subpart; however, it should generally explain how the applicant proposes to operate the facility. (i.e., on-site manager, contracting for management services, etc.).

6. Applicants must provide a copy of or an accurate citation to the special provisions of State law under which the applicant is or is to be organized, a copy of the applicant's charter, Articles of Incorporation, bylaws, and other basic authorizing documents; names, occupations, and addresses of the applicant's members, directors, and officers; and, if a member or subsidiary of another organization, its name, address, and principal business.

B. *Need and demand.*

A preliminary survey should be conducted to identify the supply and demand for LH in the area. This survey should address or include the following items:

1. The annual income level of farmworker families in the area and the

probable income of those farmworkers who are most apt to occupy the proposed unit.

2. A realistic estimate of the number of farmworkers who are home-based in the area and the number of farmworkers who normally migrate into the area. Information on migratory workers should indicate the average number of months the migrants reside in the area and an indication of what type of family groups are represented by the migrants (i.e., single individuals as opposed to families). Much of this information may be available from the local office of the Rural Manpower Services section of the Department of Employment Services.

3. General information concerning the type of labor intensive crops grown in the area and prospects for continued demand for farm laborers (i.e., prospects for mechanization etc.). Information may be available from the local U.S. Department of Agriculture (USDA) Cooperative Extension Service office or from the Agricultural Stabilization and Conservation Service.

4. The overall occupancy rate for comparable rental units in the area and rents charged and customary rental practices for these units (i.e., will they rent to large families, do they require annual leases, etc.). This information may be available from census data, local planning organizations, or local housing authorities.

5. The number, condition, adequacy, ownership and rental rates for units currently used or available to farmworkers. This information may be available from local farmworker advocacy groups, Rural Manpower Services, or social service agencies.

6. A general description of the units proposed, including number, type, and size and an estimate of the total development cost and amount of contribution by the applicant. This should also include an estimated projection of the rental rates to be charged.

Note: The market survey is one of the most important determinates of the overall feasibility of the proposed project. Therefore, the applicant may wish to do a more detailed study of the market in accordance with item II J below. Endorsement of the proposal by community leaders will not be required.

C. *Environmental Information.*

The applicant will complete Form FmHA 449–10, "Applicant's Environmental Impact Evaluation," in accordance with FmHA Instruction 1901–G. The applicant should provide all information requested; the District Office will provide any assistance necessary in completing this form.

D. *Affirmative Fair Housing Marketing Plan.*

Each applicant will prepare and submit HUD 935.2, "Affirmative Fair Housing Marketing Plan," where they propose developing five (5) or more units. The plan will reflect that occupancy is limited to their employees and that they will not discriminate on the basis of race, color, national origin, sex, or marital status in regard to the occupancy of these units.

E. *Additional Information.*

The following items should be provided only if they are readily available:

1. A map of the proposed site showing the location of the site and supporting information on the neighborhood and available facilities, such as distance to shopping, churches, schools, available transportation, drainage, sanitation facilities, water supply, and access to other services such as doctors, dentists, and hospitals.

2. Any available sketches or schematics of the proposed housing including plot plans, building layouts, and construction types.

The information required by the preapplication will be carefully reviewed for eligibility and feasibility by appropriate Farmers Home Administration (FmHA) officials. As soon as a decision is reached, the applicant will be advised of the availability of funds for the project, via Form AD–622, "Notice of Preapplication Review Action."

Upon receipt of Form AD–622 indicating favorable action by FmHA, the applicant, if proposing 10 or more single detached units, or 25 or more multifamily type units, should submit Form AD–621 with required information to the appropriate State and/or area-wide clearinghouses so that required A–95 reviews can be conducted and comments received from appropriate State agencies before the final application is submitted. Local FmHA District or State Offices can provide names and addresses of appropriate clearinghouses and details on the information which must be submitted.

II. Information to be Submitted with Form AD–625, "Application for Federal Assistance (Short Form)"

A. After the applicant has received the signed Form AD–622 authorizing the applicant to proceed to develop a final application, the applicant and the applicant's architect should meet with the FmHA architect/engineer and other officials responsible for loan processing. During this preprocessing meeting FmHA will discuss the services which the applicant's architect will be expected to provide and will also explain the items needed to complete the final application.

If after the preprocessing meeting the applicant believes that the Labor Housing (LH) project can be developed within the guidelines required by FmHA, the following information should be submitted with Form AD–625:

B. If applicable, evidence that Form AD–621 has been filed with the appropriate State or local clearinghouses for A–95 review along with any comments received from the clearinghouses.

C. Proposed contracts for architectural, engineering, and legal services as applicable. FmHA approval of these contracts should be obtained before execution of the contract.

D. A plot plan and detailed preliminary drawings and specifications prepared in accordance with Subpart A of Part 1804 of this Chapter (FmHA Instruction 1924–A). Exhibit A–3 provides FmHA's general philosophy and standards concerning the construction of LH facilities.

E. A detailed cost breakdown of the project for items such as land purchase, right-of-ways, building construction, equipment, utility connections, on-site improvements, architectural and/or engineering services, and legal services. The cost breakdown should itemize labor and material unit costs. If an LH grant is proposed, construction will be subject to the provisions of the Davis-Bacon Act. LH grant applicants should, therefore, obtain a copy of Subpart D of Part 1901 of this Chapter which explains the Davis-Bacon requirements.

F. Satisfactory evidence of review and approval of the proposed housing, including compliance with zoning requirements by State and local officials, as required by applicable State or local laws, ordinances, or regulations.

G. If not already provided in the preapplication submittal, a map of the proposed site showing the location of the site in relation to available facilities such as schools, shopping, churches, hospitals, etc. In addition, supporting information should be provided indicating that essential utilities such as sewer, water, electricity, etc., will be available to the project. (See Exhibit A–3 for FmHA's general requirements for location of LH facilities).

H. A description of and justification for any related facilities such as community or multi-purpose type buildings, cafeterias, dining halls, infirmaries, child care facilities, etc. To be included for funding by FmHA, the facilities should not be of extravagant

design and their size must be commensurate with the needs of the farmworkers who will occupy the housing facility. Any long-term agreements which are contemplated with other agencies for services such as manpower training, migrant health services, child care, and education programs should be explained and included as justification for the related facilities.

I. A detailed market analysis addressing in detail the preapplication information required under item I B above, "Need and Demand," should be conducted in accordance with the following:

1. The market area (i.e., the area from which tenants can reasonably be drawn for the project) should be clearly identified.

2. Adequate existing units which are currently available or which could become available should be surveyed and information obtained and recorded in a format similar to Exhibit A–4.

3. Individual farmworkers and farmworker groups should be contacted and their ideas obtained concerning the type of housing which would gain the greatest acceptance. (This information may not seem important at the outset of the loan if there is a pressing need for LH, however, to assure a long-term demand for the project, consideration should be given to the views of the prospective tenants).

4. The above items should then be correlated to arrive at a realistic estimate of the total need for units, type of units, estimated occupancy, maximum rental rates which can be charged for the units, and the type of amenities or related facilities which should be provided.

J. Proposed, detailed operating budgets for: (1) the first year of operation, and (2) a typical year's operation. The overall percentage of occupancy should be based upon the data collected in the market analysis. Operating costs should be realistic and should reflect somewhat higher than normal maintenance costs and an allowance for the establishment of a reserve as required by the loan agreement. The budget should be prepared in a format similar to Exhibit A–5.

K. A management plan which includes the applicable items of Exhibit B.

L. When the loan is to be secured by a junior real estate lien, certain agreements will be required from prior lien holders. The local or State FmHA Official will provide the applicable agreements.

M. An option to purchase or other evidence of ability to purchase or evidence of ownership for the proposed site.

III. Submission of final application.

When the final application is assembled it should be submitted to the local FmHA District Office for review and submission to the State Office. As soon as a final decision to approve the loan is reached, the applicant will be notified and advised to proceed with the preparation of final plans and specifications, contract documents, and other items needed to close the loan. *The applicant should not proceed with bid advertisement or contract awards until advised to proceed by FmHA.*

Exhibit A–2—Information to be Submitted by Individuals, Farmowners and Family Farm Corporations or Partnerships for Labor Housing Loans

I. Information to be submitted with Form AD–621, "Preapplication for Federal Assistance."

A. *Financial Statement.* Show assets and liabilities of the applicant, each individual farmer, and each farming partnership or corporation of which the individuals are members. Each statement must be signed and dated. Financial statements of family farm corporation or partnership members with less than a ten percent corporate or partnership interest need not be submitted to FmHA.

B. *Other Credit.* All applicants must provide evidence that they are unable to obtain credit from other sources. Applicants should attach letters showing what rates, terms and conditions are available for the project from private credit sources. In seeking other credit, the assets and personal liability of each of the members must be offered if the applicant is a family farm corporation or partnership.

C. *Experience.* Describe the experience of each *member* in owning or operating labor or rental housing. If limited, describe other business experience.

D. *Operation.* Describe the proposed operation of the housing and its relationship to the farm operation. Include the proposed method of tenant selection, unit maintenances, determining rental charges (if any), payment of utilities, etc.

E. *Need.* Describe the farming operations in which the laborers to be housed in the units will be used. Include acreages of each crop or details of other operations. Discuss present laborers and their living arrangements and the number and condition of labor housing now provided.

F. *Continuing Need.* Discuss any possible changes in mechanization or shifts to other farm products that might decrease the need for labor housing in the future.

G. *Proposed Security.* If a mortgage is not being given on the entire farm, explain why not and describe the sites proposed as security. Attach a map showing the site locations, shopping areas, schools, doctors, hospitals, nearest public water and sewer system, and school bus stop.

H. *Proposed Project.* Describe the housing proposed to be bought or built (specify which) and the estimated cost. If building sites are to be purchased, show the cost of each. Attach any options available. List any other expenses expected. Show the total cost, the loan requested, and the applicant contribution.

I. *Environmental Information.* The District Office will advise the applicant of the applicability of FmHA's Environmental policies under FmHA 1901–G, which are primarily based on the size of the proposed project. If applicable, the applicant will complete Form FmHA 449–10, "Applicant's Environmental Impact Evaluation." The District Office will provide assistance and guidance to the applicant in completing this form.

J. *Affirmative Fair Housing Marketing Plan.* Each applicant will prepare and submit HUD 935.2, "Affirmative Fair Housing Marketing Plan," where they proposed developing five (5) or more units. The plan will reflect that occupancy is limited to their employees and that they will not discriminate on the basis of race, color, national origin, sex, or marital status in regard to the occupancy of these units.

II. Information to be submitted with Form AD–625, "Application for Federal Assistant (Short Form)"

A. *Supplemental.* Any information requested to clarify or augment information supplied earlier with the preapplication.

B. *Site.* Options to purchase or a copy of deeds and mortgages on sites already owned.

C. *Surveys.* When needed to identify the site, a current survey showing boundaries, geographical features, access to public roads, and public utility location.

D. *Plans, Specifications, and Proposed Contracts.* Attach one copy of each complete set of building plans and specifications and a bid or contract for construction. A complete site plan is also required.

This document has been reviewed in accordance with FmHA Instruction

1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, P.L. 91–190, an Environmental Impact Statement is not required

Dated: July 3, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80–20748 Filed 7–15–80; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA–R–80–1]

Mandatory Petroleum Allocation Regulations

Assignments and Adjustments to Firms; Allocation Level for Mail Hauling

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a final rule to establish an allocation level of one hundred (100) percent of base period use not subject to an allocation fraction of motor gasoline for all mail hauling by or under contract to the United States Postal Service (USPS) and by firms in the business of transporting goods for a fee at uniform rates available to all persons. The rule also permits ERA, in considering applications for allocation assignments and adjustments, to treat as a separate firm all or part of an integrated business enterprise. The amendments are being adopted in response to reports that during last summer's shortfall, USPS vehicles were unable to receive adequate volumes of motor gasoline, and that this problem may have been aggravated by certain provisions of the allocation program.

EFFECTIVE DATE: August 15, 1980.

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461 (202) 653–4055;

Eric Hager (Regulations & Emergency Planning), Economic Regulatory Administration, Room 7202–H, 2000 M Street, NW., Washington, D.C. 20461 (202) 653–3263;

Bill Funk or Sue D. Sheridan (Office of General Counsel), Department of Energy, Room 6A127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6736 or 252–6754.

SUPPLEMENTARY INFORMATION:

I. Background
II. Comments Received
III. Amendments Adopted
IV. Procedural Matters

I. Background

On January 24, 1980, we issued a notice of proposed rulemaking (45 FR 6951, January 31, 1980) to provide for an allocation of one hundred (100) percent of base period use not subject to an allocation fraction of motor gasoline for mail hauling by the United States Postal Service. We also proposed a change in the definition of firm which would permit ERA to treat individual components, including sites and facilities of an integrated business enterprise, as separate firms in considering applications for allocation assignments and adjustments. We also proposed to amend the definition of bulk purchaser by deleting the category of ultimate consumers that receive product for use in cargo, freight and mail hauling by truck from the definition. Thus, in order to qualify for priority allocations for the hauling of mail, cargo and freight, a firm would have to receive delivery of that product into a storage tank substantially under the control of that firm at a fixed location.

II. Comments Received

A public hearing was held in Washington, D.C. on February 28, 1980. Comments were accepted through April 4, 1980. A total of seventeen oral and written comments were submitted by trade associations, refiners, private firms and one government agency.

In general, the comments supported our proposal to grant a first priority allocation without regard to vehicle size to the United States Postal Service (USPS) and firms under contract with the USPS. The USPS submitted oral and written statements explaining the difficulties it experienced last summer in trying to obtain adequate supplies of gasoline to fuel delivery vehicles. The USPS was strongly supportive of our proposal to eliminate the requirement that mail hauling be conducted by "truck", as defined in section 211.103, in order to receive a first priority allocation, and to establish a priority for mail hauling without reference to vehicle size. The USPS stressed that, not only are the vast majority of USPS delivery vehicles too small to meet the weight requirement under the current definition of truck, but even if ERA were to revise the definition to include ¼ ton postal trucks, the many passenger cars used on city and rural routes would still be ineligible for priority allocations.

Three refiners expressed opposition to our postal to change the current method of allocating for mail hauling. One refiner contended that the USPS had failed to demonstrate that its supply difficulties of last summer were severe enough to warrant amending the regulations as proposed. Another felt that it would be more appropriate to retain the existing regulations and require the USPS to reduce the frequency of mail delivery in times of shortage, rather than amend the regulations to ensure that adequate supplies are available at all times. Another commented that, in times of shortage, the USPS could be required to pursue relief through the exceptions process, thereby avoiding the need to establish a general priority for mail hauling.

After reviewing these comments, we have decided to adopt our proposal to give the USPS a priority allocation without regard to vehicle size. In both its oral and written statements, the USPS described the difficulties it encountered last summer in obtaining adequate gasoline supplies, including its reliance on state set-aside programs to fuel its delivery vehicles that did not qualify for allocations. We do not believe that adopting the suggestion that DOE decline to establish the proposed priority for mail hauling, and thereby force the USPS to curtail deliveries in times of shortage, would be consistent with the DOE's mandate to maintain all public services, as required by section 4(b)(1)(B) of the EPAA. For the same reason, we believe it is necessary to amend the current regulations to ensure that adequate supplies are available to the USPS, rather than require the USPS to rely on the exceptions process for appropriate relief.

Although our proposed new definition of "mail hauling" would have only granted a first priority allocation to governmental postal systems, we specifically requested comments on an alternative definition that would include private firms engaged in similar businesses, such as courier services or parcel carriers. We received several comments on the issue, and have decided to adopt a somewhat broader definition than was initially proposed. While the USPS specifically expressed no position in the matter, several private carriers submitted comments urging

DOE to assign a first priority for a variety of private delivery services in addition to mail hauling by the USPS. Several firms argued in favor of a definition for priority allocations that would include the transportation of currency, medical supplies, and other "time-sensitive" articles. One trade association advocated the establishment of a first priority category that would include the activities of all commercial carriers, regardless of the nature of the items delivered.

We are not adopting these suggestions, since our proposal dealt with the relatively narrow issue of how the regulations might be amended to resolve certain supply problems experienced by the USPS last summer. Since the EPAA also requires DOE in promulgating regulations to minimize economic distortion and unnecessary interference with market mechanisms, we were concerned with the effect that granting the USPS a priority without regard to vehicle size would have on competing private firms.

We are amending the definition to include both the delivery of letters and parcels by the USPS and the delivery of parcels by certain private transportation firms that are available for hire by the public at uniform rates. In order to qualify for a first priority allocation, the parcels delivered by a private firm must meet certain size and weight limitations set forth in the regulation. In formulating these specifications, we decided to adopt the larger of the USPS' and the United Parcel Service's size and weight limitations (the USPS accepts parcels up to 84 inches combined length and girth and 70 pounds, and United Parcel Service accepts parcels up to 108 inches combined length and girth and 50 pounds.) These specifications should therefore permit private firms principally in the business of competing directly with the USPS to receive equal treatment in terms of priority allocations.

Two private carriers proposed that, instead of just deleting the condition "by truck" from the priority for mail hauling, ERA should eliminate hauling "by truck" as a criterion in determining allocation priorities for all commercial transportation activities. We decided not to adopt this suggestion since, as another commenter pointed out, to do so would effectively upgrade all second priority allocations for commercial activities to first priority status. This result is neither within the scope of our proposal concerning mail hauling nor in furtherance of the objectives set forth in section 4(b)(1) of the EPAA.

As a conforming change, we also proposed to amend the existing definition of bulk purchaser by deleting the category of ultimate consumers that receive product for use in cargo, freight and mail hauling by truck. Thus, in order to be considered a bulk purchaser, an ultimate consumer (other than ultimate consumers that receive delivery for use in agricultural production) must receive delivery of product into a storage tank substantially under the control of that firm at a fixed location. Of the four commenters that addressed this aspect of our proposal, one supported the proposed amendment to the bulk purchaser definition on the basis that it would help to eliminate confusion as to whether truck stops and service stations are obligated to give cargo carriers 100% of their base period supply. On the other hand, a trade association representing the trucking industry expressed opposition to any change in the current definition, which it interpreted as unambiguously granting a first priority to all cargo and freight hauling by truck. Another commenter, representing the armored car industry, suggested an alternative definition under which a given firm or division thereof without a storage tank would qualify as a bulk purchaser provided that it purchases most or all of its requirements from one or two retail suppliers. Finally, we received comments from an association of USPS contract carriers that expressed concern that, despite this rule's proposed amendments to eliminate the condition "by truck" from the priority for mail hauling, and the new definition of mail hauling that includes firms that contract with the USPS, the proposed amendment to the definition of "bulk purchaser" would again exclude 99% of its members' mail hauling vehicles.

We have decided to adopt the amendment to the definition of bulk purchaser as proposed. As we explained at length in our proposal, we do not believe that the allocation system can work smoothly if interpreted to require retail outlets to provide all cargo carriers with 100% of the base period allocations. We believe that the only practical method for providing cargo freight carriers with a first priority is to condition that priority status on the requirement that the firm receive delivery into a storage tank at a fixed location. With regard to the concerns expressed by the USPS contract carriers' association, this rulemaking was initiated in order to remove the vehicle weight restrictions on priority allocations for USPS delivery vehicles. There has been no change in the prerequisite under § 211.102 that the USPS, and accordingly its contractors, qualify as a bulk purchasers in order to receive priority allocations. For the reasons discussed above, we do not believe that a change in this basic premise is appropriate.

The final amendment we proposed concerned the treatment of an end-user or a wholesale purchaser-consumer as a firm eligible to receive allocations under § 211.11. We proposed to amend § 211.11(b) to permit ERA to treat as a separate "firm", in considering applications by wholesale purchaser-consumers and end-users for allocation assignments, adjustments or other relief, any part of the parent or consolidated or unconsolidated entity which it controls, including any site or facility. The proposed change would have given ERA the same discretion with respect to ultimate consumers and resellers.

This proposal received strong support from the USPS, which had difficulty during the past summer in obtaining supply for new postal facilities. In addition, two refiners that supported adoption of this proposal suggested certain revisions. One refiner suggested that we modify the proposed amendment by specifying that, in order to be considered for an independent assignment or adjustment, the separate part, site or facility of the parent firm must be a "new" facility, and that the regulation define the term "new" in order to avoid future confusion. Another refiner expressed strong concern about the effect of this change on suppliers' allocation fractions should ERA, by adopting this amendment increase the number of new assignments. An incentive to apply for assignments for individual facilities may be created because additional bulk fueling locations can often be a means of reducing operational costs. This refiner suggested that the rule be amended to require ERA to take the following factors into account in considering applications: (1) Whether the independent site or facility was replacing an operation that was being closed, (2) whether historical purchases for the facility had previously been made at the retail level, and (3) whether the entity had volumes available from some other site that could be transferred to the new facility.

While we believe these comments have merit, they relate to the broader question of allocation assignments to all bulk purchasers. This aspect of the rulemaking is concerned solely with the issue of whether ERA may consider entities of a single firm for purposes of allocation assignments. The problems that the commenters identified address the question of when *any* bulk purchaser should receive an allocation assignment.

These considerations are more properly taken into account in the consideration of individual applications. In any case, the bulk purchaser assignment guidelines limit new assignments to firms with first priority allocation levels (44 FR 59269, October 15, 1979).

Our proposal also specifically requested comments regarding the alternative of providing this flexibility in granting assignments and adjustments only for end-users and wholesale purchaser-consumers, and not for resellers. Although we received no comments on the issue, we have decided to restrict the amendment to end-users and wholesale purchaser-consumer. We decided not to provide for similar treatment for resellers since their allocation entitlements are determined with reference to the entitlements of their purchasers. Moreover, site specific assignments to wholesale purchaser-consumers and end-users would be reflected in upward adjustments to the supplying resellers.

III. Amendments Adopted

The rule we are adopting today amends the provision in 10 CFR 211.103 providing for allocation levels of 100% of base period use not subject to a fraction for cargo, freight and mail hauling by truck. Under the amended rule, allocations not subject to a fraction will be granted for all mail hauling activities as defined under 10 CFR 211.102, regardless of the type of vehicle used for delivery. Allocations not subject to an allocation fraction will continue to be granted for cargo and freight hauling by truck.

The rule amends 10 CFR 211.102 by changing the definitions of bulk purchaser and by adding new definitions for mail hauling and for cargo and freight hauling. The definition of bulk purchaser is amended by deleting the category of ultimate consumers that receive product for use in cargo, freight and mail hauling by truck. Thus, in order to qualify for allocations for mail hauling and cargo and freight hauling by truck, a firm must receive delivery of product into tanks substantially under that firm's control at a fixed location. Cargo and freight hauling is defined under the amended rule as the transportation of goods in the regular course of business. Mail hauling is defined as the transportation and delivery of letters, printed matter and parcels by or under contract to the United States Post Office or by firms principally in the business of transporting such items for a fee at uniform rates available to all persons. The term parcels is defined to include items no heavier than seventy pounds and no more than one hundred eight inches combined length and girth.

In addition, the rule amends 10 CFR 211.11 to permit ERA, in considering applications by end-users and wholesale purchaser-consumers for assignments and adjustments, to treat as a separate firm any part of the parent or consolidated or unconsolidated entities that it controls, including any separate site or facility.

IV. Procedural Matters

A. *Section 404 of the DOE Act.* Pursuant to the requirements of section 404 of the Department of Energy Act, a copy of the proposed rule was sent to the Federal Energy Regulatory Commission (FERC) for review. The FERC declined to determine that this rule would significantly affect any of its functions.

B. *National Environmental Policy Act.* It has been determined that this rule does not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and therefore an environmental assessment or an environmental impact statement is not required by NEPA and the applicable DOE regulations for compliance with NEPA.

(Emergency Petroleum Allocation Act of 1973, (15 U.S.C. 751 *et seq.*), Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, (15 U.S.C. 787 *et seq.*), Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, (42 U.S.C. 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*), Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective August 15, 1980.

Issued in Washington, D.C., July 10, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. Section 211.11 is amended by adding a new subsection (b)(3) to read as follows:

§ 211.11 Basis for purchaser's entitlement to allocation.

* * * * *

(b) *End-users and wholesale purchasers as a firm.* * * *

(3) The ERA may, in considering applications by end-users and wholesale purchaser-consumers for assignments, adjustments or other relief, treat as a separate firm any part of the parent or consolidated or unconsolidated entities that it controls including any separate site or facility.

* * * * *

2. Section 211.102 is amended by revising the definition of "bulk purchaser" and inserting the new definitions of "cargo and freight hauling" and "mail hauling" in the appropriate alphabetical order to read as follows:

§ 211.102 Definitions.

* * * * *

"Bulk purchaser" means any firm which is an ultimate consumer which, as part of its normal business practices, purchases or obtains motor gasoline from a supplier and either (a) receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location, or (b) with respect to use in agricultural production, receives delivery into a storage tank with a capacity not less than 50 gallons substantially under the control of that firm.

"Cargo and freight hauling" means the transportation of goods in the regular course of business.

"Mail hauling" means the transportation and delivery of letters, printed matter and parcels by or under contract to the United Postal Service or by firms principally in the business of transporting such items for a fee at uniform rates available to all persons. Parcels mean items which are no heavier than seventy pounds and not more than one hundred eight inches combined length and girth.

* * * * *

3. Section 211.103 is amended by revising subsection (b)(8) to read as follows:

§ 211.103 Allocation levels.

* * * * *

(b) *Allocation levels not subject to an allocation fraction.*

* * * * *

(8) Cargo and freight hauling by truck and mail hauling.

* * * * *

[FR Doc. 80–21248 Filed 7–15–80; 8:45 am]

BILLING CODE 6450–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 225

[Economic Regulations Revocation of Part 225; ER-1186; Docket: 35392]

Trade Agreements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB recently allowed airlines to provide air transportation in exchange for goods and services without restrictions. The CAB therefore revokes its trade agreements rule that had permitted such transactions on a restricted basis.

DATES:

Adopted: July 2, 1980.

Effective: July 2, 1980.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

For the reasons stated in EDR-391, 44 FR 64429, November 7, 1979 and ER-1181, 45 FR 46797, July 11, 1980, the Board is revoking Part 225.

Accordingly, 14 CFR Part 225, *Trade Agreements*, is revoked and reserved.

(Secs. 204, 403, 404, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat., 743, 758, 760, 92 Stat. 1731, 49 U.S.C. 1324, 1373, 1374 and 1386)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-21212 Filed 7-15-80; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3026]

Bob Rice Ford, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Boise, Idaho seller of new and used motor vehicles and its corporate officer to make the text of written warranties readily available to prospective buyers and prominently display signs advising consumers of such availability. Written warranties have to include all statutorily required information, and limited warranties so designated. The firm is also required to post signs stating that all warranties are not the same and that comparisons should be made prior to purchase. All relief available to purchasers under state laws has to be provided; and affected customers, in instances where implied warranties were improperly waived, notified of their implied warranty rights. Further, the firm is barred from raising any defenses pertaining to a disclaimer of implied warranties in suits brought by motor vehicle purchasers who were issued written limited warranties disclaiming implied warranties. The company is additionally required to instruct its employees as to their statutory obligations, and maintain a surveillance program designed to ensure compliance with the provisions of the order.

DATES: Complaint and order issued July 1, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Thomas Armitage, Director, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174, (206) 442-4655.

SUPPLEMENTARY INFORMATION: On Thursday, April 24, 1980, there was published in the **Federal Register**, 45 FR 27777, a proposed consent agreement with analysis In the Matter of Bob Rice Ford, Inc., a corporation, and Robert L. Rice, individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-37 Formal regulatory and/or statutory requirements; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits; 13.533-75 Warranties. Subpart-Failing To Comply with Affirmative Statutory Requirements; § 13.1048 Failing to comply with affirmative statutory requirements; 13.1048-35 Magnuson-Moss Warranty Act. Subpart-Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements; § 13.1647 Guarantees. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory rquirements; 13.1852-55 Magnuson-Moss Warranty Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46; Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 110(b), 88 Stat. 2190; 15 U.S.C. 2310)

Carol M. Thomas,

Secretary.

[FR Doc. 80-21188 Filed 7-15-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and Decision and Order filed with the original document.

PEACE CORPS

22 CFR Part 301

Public Access to Classified Material

AGENCY: Peace Corps.

ACTION: Acceptance of transfer of regulations.

SUMMARY: This document accepts the transfer to Part 301 of 22 CFR of the regulations entitled "Declassification" currently located in Part 1202 of 45 CFR and transferred by notice, published elsewhere in today's **Federal Register** (see table on contents). This transfer is a result of Executive Order 12137 (issued May 16, 1979) wherein the status of Peace Corps was changed from that of a component of ACTION to an autonomous agency within ACTION, pursuant to the provisions of that Order. In light of this Executive Order, and due to the fact that the authority to classify documents, from 1962-1972, was vested in Peace Corps, it is deemed more appropriate for these regulations to be located in that Part of CFR reserved for Peace Corps regulations.

Also, published on this day in this issue is a "Notice of Proposed Rulemaking" whereby Peace Corps proposes revisions in the present regulations in order to bring such regulations into compliance with Executive Order 12065.

EFFECTIVE DATE: This acceptance of a transfer of regulation becomes effective on July 16, 1980.

FOR FURTHER INFORMATION CONTACT: Louise E. Maillett, Assistant General Counsel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525 (202) 254-8855.

Accordingly, the transfer of 45 CFR Part 1202 to 22 CFR Part 301 is hereby accepted.

(Executive Order 12137, entitled: "The Peace Corps"; 22 U.S.C. 2503(b))

William Sykes,

Acting Director of Peace Corps.

[FR Doc. 80-21284 Filed 7-15-80; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7706; EE-21-78]

Income Tax; Exception for Certain Insurance Contract Plans From Minimum Funding Standards

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to an exception for certain pension plans funded exclusively by insurance contracts from the minimum funding standards. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. These regulations provide necessary guidance to the public for compliance with the law and affect employees covered by those plans.

DATE: For plans in existence on January 1, 1974, the regulations are effective for plan years beginning after December 31, 1975. For plans not in existence on January 1, 1974, the regulations are effective for plan years beginning after September 2, 1974.

FOR FURTHER INFORMATON CONTACT: Richard J. Wickersham of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3250) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On February 6, 1975, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 412(i) of the Internal Revenue Code of 1954 (40 FR 5535). The amendments were proposed in order to conform the regulations to section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914) and section 301(b) of such Act (88 Stat. 869). A public hearing was neither requested nor held on these proposed regulations. After consideration of all comments regarding the proposed amendments those amendments are adopted as revised by this Treasury decision.

Insurance Contract Plans

Section 412 of the Code prescribes minimum funding standards which are generally applicable to defined benefit plans. Under section 412(h)(2) of the Code, any insurance contract plan described in section 412(i) of the Code for a plan year is not subject to the minimum funding requirements of section 412 for that plan year. Section 412(i) of the Code sets forth certain specified requirements which such a plan must meet to qualify for this exception from the minimum funding requirements. Section 412(i) provides further that a plan funded exclusively by the purchase of group insurance contracts which is determined under regulations to have the same characteristics as an individual insurance contract plan will be treated as a plan described in section 412(i).

Payment of Load Factors

Section 412(i) of the Code and § 1.412 (i)-1 (b)(2)(i) and (c)(2)(i) of the regulations, as proposed, require that an insurance contract plan be funded exclusively by the purchase of insurance contracts. The final regulations make it clear that this requirement is not violated by payments which are made in order to satisfy certain minimum vesting requirements with respect to accrued benefits derived from employee contributions. Thus, for example, it will be permissible for an employer to pay the "load factor" on insurance contracts in order for the plan to meet the requirement (set forth in section 411 of the Code) that an employee must be 100 percent vested in the accrued benefit derived from his own contributions.

Premium Payments

Section 412(i) states that the insurance contract plan must provide for level annual premium payments. The final regulations clarify this requirement. Employees who cease their participation in the plan may pay premiums on their own behalf if the contracts are distributed to them upon their termination of employment. The level annual payment applies only to the premiums on the insurance contracts. Consequently, it is permissible for the insurance company to apply such items as experience gains and dividends against premiums due on the contracts without violating this requirement.

Lapses and Loans

The final regulations have expanded on the requirements necessary for a plan to be reinstated after a lapse in premium payments. Reinstatement must occur prior to the time any participant's benefits would be reduced because of the lapse.

Another requirement in the proposed regulations is the prohibition of policy loans on the insurance contracts issued under the plan. The final regulations provide that an application of funds by the issuer to pay premiums due on the contracts will not be considered policy loans for purposes of this prohibition if certain conditions are satisfied.

Other Changes

The final regulations make it clear that an insurance contract plan may be funded by a combination of individual and group contracts if certain requirements are satisfied. A clarifying change was made to the final regulations to make it clear that the group contracts are being compared to individual contracts which have been approved for sale in the relevant state.

Drafting Information

The principal author of these proposed regulations was Richard J. Wickersham of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly—

1. The proposed §§ 1.412(a), 1.412(b), 1.412(c), 1.412(d), 1.412(e), 1.412(f), 1.412(g), 1.412(h), and 1.412(i) are withdrawn.

2. The other amendments to 26 CFR Part 1 as proposed are hereby adopted, subject to the changes set forth below.

Section 1.412(i)-1 is amended by revising subdivisions (i), (ii), (v), and (vii) of paragraph (b)(2), by revising subdivisions (i) and (iv) of paragraph (c)(2), and by adding a new paragraph (d).

These revised and added provisions read as follows:

§ 1.412(i)-1 Certain insurance contract plans.

* * * * *

(b) *Individual insurance contract plans.*

* * *

(2) * * *

(i) The plan must be funded exclusively by the purchase from an insurance company or

companies (licensed under the law of a State or the District of Columbia to do business with the plan) of individual annuity or individual insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust. A plan shall not be considered to be funded otherwise than exclusively by the purchase of individual annuity or individual insurance contracts merely because the employer makes a payment necessary to comply with the provisions of section 411(c)(2) (relating to accrued benefit from employee contributions).

(ii) The individual annuity or individual insurance contracts issued under the plan must provide for level annual, or more frequent, premium payments to be paid under the plan for the period commencing with the date each individual participating in the plan became a participant and ending not later than the normal retirement age for that individual or, if earlier, the date the individual ceases his participation in the plan. Premium payments may be considered to be level even though items such as experience gains and dividends are applied against premiums. In the case of an increase in benefits, the contracts must provide for level annual payments with respect to such increase to be paid for the period commencing at the time the increase becomes effective. If payment commences on the first payment date under the contract occurring after the date an individual becomes a participant or after the effective date of an increase in benefits, the requirements of this subdivision will be satisfied even though payment does not commence on the date on which the individual's participation commenced or on the effective date of the benefit increase, whichever is applicable. If an individual accrues benefits after his normal retirement age, the requirements of this subdivision are satisfied if payment is made at the time such benefits accrue. If the provisions required by this subdivision are set forth in a separate agreement with the issuer of the individual contracts, they need not be included in the individual contracts.

* * * * *

(v) Except as provided in the following sentence, all premiums payable for the plan year, and for all prior plan years, under the insurance or annuity contracts must have been paid before lapse. If the lapse has occurred during the plan year, the requirements of this subdivision will be considered to have been met if reinstatement of the insurance policy, under which the individual insurance contracts are issued, occurs during the year of the lapse and before distribution is made or benefits commence to any participant whose benefits are reduced because of the lapse.

* * * * *

(vii) No policy loans, including loans to individual participants, on any of the individual contracts may be outstanding at any time during the plan year. This subdivision shall not apply to contracts which have been distributed to participants if the loan is made after the date of distribution. An application of funds by the issuer to pay premiums due under the contracts shall be deemed not to be a policy loan if the amount of the funds so applied, and interest thereon, is repaid during the plan year in which the funds are applied and before distribution is made or benefits commence to any participant whose benefits are reduced because of such application.

(c) *Group insurance contract plans.* * * *

(2) * * *

(i) The plan must be funded exclusively by the purchase from an insurance company or companies, described in paragraph (b)(2)(i) of this section, of group annuity or group insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust. A plan shall not be considered to be funded otherwise than exclusively by the purchase of group annuity or group insurance contracts merely because the employer makes a payment necessary to comply with the provisions of section 411(c)(2) (relating to accrued benefit derived from employee contributions).

* * * * *

(iv)(A) If the plan is funded by a group annuity contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participant under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual annuity contract plan satisfying the requirements of paragraph (b) and approved for sale in the State where the principal office of the plan is located.

(B) If the plan is funded by a group insurance contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participant under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual insurance contract plan satisfying the requirements of paragraph (b) and approved for sale in the State where the principal office of the plan is located.

* * * * *

(d) *Combination of plans.* A plan which is funded by a combination of individual contracts and a group contract shall be treated as a plan described in section 412(i) for the plan year if the combination, in the aggregate, satisfies the requirements of this section for the plan year.

(Sec. 412(i), 7805 of the Internal Revenue Code of 1954 (88 Stat. 919 and 68A Stat. 917; (26 U.S.C. 412(i) and 7805)))

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: June 24, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

The following new § 1.412(i)–1 is added to read as follows:

§ 1.412(i)–1 Certain insurance contract plans.

(a) *In general.* Under section 412(h)(2) of the Internal Revenue Code of 1954, as added by section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914) (hereinafter referred to as "the Act"), an insurance contract plan described in section 412(i) for a plan year is not subject to the minimum funding requirements of section 412 for that plan year. Consequently, if an individual or group insurance contract plan satisfies all of the requirements of paragraph (b)(2) or (c)(2) of this section, whichever are applicable, for the plan year, the plan is not subject to the requirements of section 412 for that plan year. The effective date for section 412 of the Code is determined under section 1017 of the Act. In general, in the case of a plan which was not in existence on January 1, 1974, this section applies for plan years beginning after September 2, 1974, and in the case of a plan in existence on January 1, 1974, to plan years beginning after December 31, 1975.

(b) *Individual insurance contract plans.* (1) An individual insurance contract plan is described in section 412(i) during a plan year if the plan satisfies the requirements of paragraph (b)(2) of this section for the plan year.

(2) The requirements of this paragraph are:

(i) The plan must be funded exclusively by the purchase from an insurance company or companies (licensed under the law of a State or the District of Columbia to do business with the plan) of individual annuity or individual insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust. A plan shall not be considered to be funded otherwise than exclusively by the purchase of individual annuity or individual insurance contracts merely because the employer makes a payment necessary to comply with the provisions of section 411(c)(2) (relating to accrued benefit from employee contributions).

(ii) The individual annuity or individual insurance contracts issued under the plan must provide for level annual, or more frequent, premium for the period commencing with the date each individual participating in the plan became a participant and ending not later than the normal retirement age for that individual or, if earlier, the date the individual ceases his participation in the plan. Premium payments may be considered to be level even though items such as experience gains and dividends are applied against premiums. In the case of an increase in benefits, the contracts must provide for level annual payments with respect to such increase to be paid for the period commencing at the time the increase becomes effective. If payment commences on the first

payment date under the contract occurring after the date an individual becomes a participant or after the effective date of an increase in benefits, the requirements of this subdivision will be satisfied even though payment does not commence on the date on which the individual's participation commenced or on the effective date of the benefit increase, whichever is applicable. If an individual accrues benefits after his normal retirement age, the requirements of this subdivision are satisfied if payment is made at the time such benefits accrue. If the provisions required by this subdivision are set forth in a separate agreement with the issuer of the individual contracts, they need not be included in the individual contracts.

(iii) The benefits provided by the plan for each individual participant must be equal to the benefits provided under his individual contracts at his normal retirement age under the plan provisions.

(iv) The benefits provided by the plan for each individual participant must be guaranteed by the life insurance company, described in paragraph (b)(2)(i) of this section, issuing the individual contracts to the extent premiums have been paid.

(v) Except as provided in the following sentence, all premiums payable for the plan year, and for all prior plan years, under the insurance or annuity contracts must have been paid before lapse. If the lapse has occurred during the plan year, the requirements of this subdivision will be considered to have been met if reinstatement of the insurance policy, under which the individual insurance contracts are issued, occurs during the year of the lapse and before distribution is made or benefits commence to any participant whose benefits are reduced because of the lapse.

(vi) No rights under the individual contracts may have been subject to a security interest at any time during the plan year. This subdivision shall not apply to contracts which have been distributed to participants if the security interest is created after the date of distribution.

(vii) No policy loans, including loans to individual participants, on any of the individual contracts may be outstanding at any time during the plan year. This subdivision shall not apply to contracts which have been distributed to participants if the loan is made after the date of distribution. An application of funds by the issuer to pay premiums due under the contracts shall be deemed not to be a policy loan if the amount of the funds so applied, and interest thereon, is repaid during the plan year in which the funds are applied and before distribution is made or benefits commence to any participant whose benefits are reduced because of such application.

(c) *Group insurance contract plans.* (1) A group insurance contract plan is described in section 412(i) during a plan year if the plan satisfies the requirements of subparagraph (2) for the plan year.

(2) The requirements of this subparagraph are:

(i) The plan must be funded exclusively by the purchase from an insurance company or companies, described in paragraph (b)(2)(i) of this section, of group annuity or group insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust. A plan shall not be considered to be funded otherwise than exclusively by the purchase of group annuity or group insurance contracts merely because the employer makes a payment necessary to comply with the provisions of section 411 (c)(2) (relating to accrued benefit derived from employee contributions).

(ii) In the case of a plan funded by a group insurance contract or a group annuity contract the requirements of paragraph (b)(2)(ii) of this section must be satisfied by the group contract issued under the plan. Thus, for example, each individual participant's benefits under the group contract must be provided for by level annual, or more frequent, payments equivalent to the payments required to satisfy such paragraph. The requirements of this subdivision will not be satisfied if benefits for any individual are not provided for by level payments made on his behalf under the group contract.

(iii) The group annuity or group insurance contract must satisfy the requirements of clauses (iii), (iv), (v), (vi), and (vii) of paragraph (b)(2). Thus, for example, each participant's benefits provided by the plan must be equal to his benefits provided under the group contract at his normal retirement age.

(iv)(A) If the plan is funded by a group annuity contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participant under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual annuity contract plan satisfying the requirements of paragraph (b) and approved for sale in the State where the principal office of the plan is located.

(B) If the plan is funded by a group insurance contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participate under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual insurance contract plan satisfying the requirements of paragraph (b) and approved for sale in the State where the principal office of the plan is located.

(v) Under the group annuity or group insurance contract, premiums or other consideration received by the insurance company (and, if a custodial account or trust is used, the custodian or trustee thereof) must be allocated to purchase individual benefits for participants under the plan. A plan which maintains unallocated funds in an auxiliary trust fund or which provides that an insurance company will maintain unallocated funds in a separate account, such as a group deposit administration contract, does not satisfy the requirements of this subdivision.

(d) *Combination of plans.* A plan which is funded by a combination of individual contracts and a group contract shall be treated as a plan described in section 412 (i) for the plan year if the combination, in the aggregate, satisfies the requirements of this section for the plan year.

[FR Doc. 80-21197 Filed 7-15-80; 8:45 am]
BILLING CODE 4830-01-M

Fiscal Service

31 CFR Part 211

Amendment Updating References to Foreign Assets Control Regulations by Deleting References to Zimbabwe and to China and by Adding References to Iran

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury has revoked all prohibitions on transactions with Rhodesia (now Zimbabwe) and unblocked assets in the United States blocked because of an interest therein of the People's Republic of China or its nationals. In addition, the Department of the Treasury has prohibited payments or transfers of funds or other property to any person in Iran. Therefore, the Department of the Treasury amends its regulations at 31 CFR Part 211 (Treasury Department Circular No. 655) to update references to Foreign Assets Control regulations by deleting references to Zimbabwe and to

China and by adding references to Iran. The effect of this amendment is to have the information in the regulations at 31 CFR Part 211 correspond to current Foreign Assets Control regulations.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Wade Robertson, Government Accounting Systems Staff, Room 412, Treasury Annex No. 1, Department of the Treasury, Washington, D.C. 20226, 202–566–8374.

SUPPLEMENTARY INFORMATION: Effective December 17, 1979, the Department of the Treasury's Office of Foreign Assets Control revoked all prohibitions on transactions with Rhodesia (now Zimbabwe) in the Rhodesian Sanctions Regulations (31 CFR Part 530), in order to implement Executive Order 12183, 42 FR 74787, terminating United States sanctions against Rhodesia. Effective January 31, 1980, the Office of Foreign Assets Control amended the Foreign Assets Control Regulations (31 CFR Part 500) to unblock assets in the United States blocked because of an interest therein of the People's Republic of China or its nationals, in order to implement the Agreement Concerning the Settlement of Claims entered into between the United States and the People's Republic of China on May 11, 1979, as amended by an exchange of notes on September 28, 1979. Effective April 17, 1980, the Office of Foreign Assets Control amended the Iranian Assets Control Regulations (31 CFR Part 535) to prohibit payments or transfers of funds or other property to any person in Iran, in order to implement Executive Order No. 12211, prohibiting these and other transactions with Iran. The Department of the Treasury's Fiscal Service, therefore, amends its regulations at 31 CFR Part 211 (Treasury Department Circular No. 655) to update those sections which refer to regulations of the Office of Foreign Assets Control by deleting references to the Rhodesian Sanctions Regulations and to China and by adding references to the Iranian Assets Control Regulations.

In addition, the amendment updates the names of the countries on the list of areas restricted from receiving a check or warrant drawn against funds of the United States to reflect the most current names being used by the Department of State. The amendment does not otherwise alter the list of restricted areas.

The Department of the Treasury finds, in accordance with 5 U.S.C. 553, that notice and public procedure are not required since the amendment pertains to a foreign affairs function of the United States.

(31 U.S.C. 127 and 5 U.S.C. 301)

Accordingly, 31 CFR Part 211 is amended as follows:

§ 211.1 [Amended]

1. Section 211.1(a) is amended to update names of North Korea and Vietnam to reflect the most current names being used by the Department of State. As amended, paragraph (a) reads:

(a) It is hereby determined that postal, transportation or banking facilities in general, or local conditions in the People's Republic of Albania, the Republic of Cuba, Democratic Kampuchea, the Democratic People's Republic of Korea (North Korea), the Socialist Republic of Vietnam, the German Democratic Republic, and the Soviet Sector of Berlin, Germany, are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

* * * * *

2. Section 211.1(c) is amended to eliminate references to the People's Republic of China and to the Rhodesian Sanctions Regulations and to add reference to the Iranian Assets Control Regulations. As amended, paragraph (c) reads:

* * * * *

(c) Before a check or warrant drawn against funds blocked pursuant to the provisions of Executive Order No. 8389 (3 CFR, 1943 Cum. Supp.), as amended, and which remain blocked under the proviso clause of General License No. 101 of the Foreign Funds Control Regulations (31 CFR 520.101) may be released, it will be necessary for a license authorizing the release to be issued by the Department of the Treasury, Office of Foreign Assets Control, pursuant to E.O. 8389, as amended. In this regard, attention is also directed to the following regulations issued by the Secretary of the Treasury: (1) The Foreign Assets Control Regulations issued on December 17, 1950 (31 CFR Part 500), pursuant to Executive Order 9193 (3 CFR, 1943 Cum. Supp.), which prohibit transactions involving payments to nationals of the Democratic People's Republic of Korea (North Korea), the Socialist Republic of Vietnam, and Democratic Kampuchea, except to the extent that any such payments have been authorized by appropriate license, (2) the Cuban Assets Control Regulations issued on July 8, 1963 (31 CFR Part 515), pursuant to the same authority, which prohibit similar transactions with nationals of Cuba unless licensed, and (3) the Iranian Assets Control Regulations issued on November 14, 1979 (31 CFR Part 535), as amended on April 17, 1980, pursuant to Executive Orders 12170 and 12211, which prohibit transactions in property of the Iranian Government or its instrumentalities and transfers of funds to persons in Iran, except as authorized by appropriate license.

§ 211.3 [Amended]

Section 211.3 is amended to eliminate reference to the Rhodesian Sanctions Regulations and to add reference to the Iranian Assets Control Regulations. As amended, § 211.3 reads:

The regulations of this part do not apply to payments to foreign governments, nor to checks or warrants issued in payment of salaries or wages, or for goods or services purchased by the Government of the United States in foreign countries, unless such payments are subject to the Foreign Funds Control Regulations (31 CFR Part 520), the Foreign Assets Control Regulations (31 CFR Part 500), the Cuban Assets Control Regulations (31 CFR Part 515), or the Iranian Assets Control Regulations (31 CFR Part 535).

Dated: July 9, 1980.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80–21161 Filed 7–15–80; 8:45 am]

BILLING CODE 4810–35–M

VETERANS ADMINISTRATION

38 CFR Part 14

Representatives, Agents, or Attorneys, Termination of Recognition

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This regulation sets forth revised procedures for termination of the recognition afforded by the Veterans Administration to representatives, agents, or attorneys of claimants in the presentation and prosecution of claims for veterans' benefits. The regulation has been revised to insure consistency with the statutory provisions regarding such recognition and also to clarify such individuals' rights and duties.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: N. C. Paulson, Acting Assistant General Counsel, Office of the General Counsel, Veterans Administration, Washington, DC 20420 (202–389–3004).

SUPPLEMENTARY INFORMATION: On pages 22978 and 22979 of the **Federal Register** of April 4, 1980, the Veterans

Administration published a notice of a proposed revision of § 14.633, Title 38, Code of Federal Regulations. Interested parties were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed revision. No written objections have been received and the proposed regulation is hereby adopted without change and is set forth below:

Approved: July 9, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

Section 14.633 is revised to read as follows:

§ 14.633 Termination of recognition.

(a) Recognition may be canceled at the request of an agent, attorney, representative, or organization.

(b) Recognition shall be canceled at such time a determination is made that the requirements of § 14.629 are no longer met by an agent, attorney or representative.

(c) Recognition shall be canceled upon a finding by the General Counsel, by clear and convincing evidence, of one of the following:

(1) Violation or refusal to comply with the laws administered by the Veterans Administration or with the regulations governing practice before the Veterans Administration.

(2) Knowingly presenting or prosecuting a fraudulent claim against the United States.

(3) Demanding or accepting unlawful compensation for preparing, presenting, prosecuting, or advising or consulting, concerning a claim.

(4) Any other unlawful, unprofessional or unethical practice. (Unlawful, unprofessional or unethical practice shall include but not be limited to the following—deceiving, misleading or threatening a claimant or prospective claimant, neglecting to prosecute a claim for 6 months or more; failing to furnish evidence within 90 days of request by the Veterans Administration, or willfully withholding an application for benefits.)

(d) As to cancellation of recognition under paragraph (c) of this section, upon receipt of information indicating improper conduct, the District Counsel of jurisdiction shall initiate an inquiry into the matter.

(1) If the result of the inquiry does not justify further action, the District Counsel will close the inquiry and maintain the record for 3 years.

(2) If the result of the inquiry justifies further action, the District Counsel shall take the following action:

(i) As to representatives, suspend recognition immediately and notify the representative of the suspension, stating the reason(s) therefore. The National Organization shall be notified of the suspension. The notice to the representative will also inform the representative of a right to request a hearing on the matter or to submit additional evidence within 10 working days following receipt of such notice. Such time may be extended for a reasonable period upon a showing of sufficient cause.

(ii) As to agents or attorneys, inform the General Counsel of the result of the inquiry and notify the agent or attorney of an intent to cancel recognition. The notice will also state the reason(s) for the impending cancellation and inform the party of a right to request a hearing on the matter or to submit additional evidence within 10 working days of receipt of such notice. Such time may be extended for a reasonable period upon a showing of sufficient cause.

(iii) In the event that a hearing is not requested, nor additional evidence submitted by the agent, attorney or representative, the District Counsel shall forward the record to the General Counsel for final determination.

(e) If a hearing is requested, a hearing officer will be appointed by the Director of the regional office involved. The hearing officer shall not be from the Office of the District Counsel. The hearing officer will have authority to administer oaths. A member of the District Counsel's office will present the evidence. The party requesting the hearing will have a right to counsel, to present evidence, and to cross-examine witnesses. The hearing shall be conducted in an informal manner and court rules of evidence shall not apply. Testimony shall be recorded verbatim. The District Counsel will then submit the entire case within 10 working days after the close of the hearing to the General Counsel for decision.

(f) The decision of the General Counsel is final. The effective date for termination of recognition shall be the date upon which a final decision is rendered. The records of the case will be maintained in the General Counsel's office for 3 years. (38 U.S.C. 3402, 3404, 3405).

[FR Doc. 80-21211 Filed 7-15-80; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 17

Medical Benefits; Miscellaneous Amendments

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) has amended its "Medical Series" of regulations: (1) To clarify current VA regulations regarding the furnishing of outpatient medical services to U.S. veterans for nonservice-connected conditions in the Republic of the Philippines; (2) To increase from $265 a month to $415 a month the income an individual has for his/her use in determining eligibility for domiciliary care; (3) To clarify that adjunct dental treatment will only be provided for a condition which is associated with and is aggravating a disability resulting from some other disease or injury which was incurred in or aggravated by active military, naval or air service; (4) To delegate authority to the Chief Medical Director from the Administrator to make a determination on applications received for grants to purchase equipment or pay for maintenance or repair projects to Veterans Memorial Center, Republic of the Philippines.

EFFECTIVE DATE: July 7, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein (202-389-2989)

SUPPLEMENTARY INFORMATION: On pages 5348 and 5349 of the **Federal Register** of January 23, 1980, proposed amendments were published for certain sections of title 38, Code of Federal Regulations from § 17.38 through § 17.355. Interested persons were given 30 days to submit comments, suggestions or recommendations. No comments were received regarding the proposed regulations.

The proposed regulations are hereby adopted without change and are set forth below:

Approved: July 7, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

§ 17.38 [Amended]

1. Section 17.38 is amended by deleting the word "his" from the first sentence of paragraph (e).

2. Section 17.39 is revised to read as follows:

§ 17.39 Outpatient care in the Philippines for United States veterans.

Outpatient care in the Republic of the Philippines may be authorized for any United States veteran eligible for such care under § 17.60(a), (b), (c), or (d). Care may also be provided for those conditions adjunct to or held to be aggravating a service-connected disease or disability. (38 U.S.C. 624)

§ 17.43 [Amended]

3. Section 17.43 is amended by deleting the word "his" from paragraph (b).

4. In § 17.48, paragraph (b) is revised to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital, nursing home or domiciliary care.

* * * * *

(b) Under paragraph (c)(3) of § 17.47:

"No adequate means of support"—when a applicant is receiving an income of $415 or more per month from any source for personal use, this fact will be considered prima facie evidence of adequate means of support. This is subject to rebuttal by a showing that such income is not adequate to provide the care required by reason of the veteran's disability or that the income is not available for the veteran's use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Director for decision.

* * * * *

5. In § 17.49, paragraphs (a)(3)(iii)(*c*), (v), (vi), (ix), (x), (b) (2)(i), (iii), (iv), (v) and (c) and the note following paragraph (c) are revised to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital, nursing home and domiciliary care.

(a) *Priorities for hospital care.* * * *

(3) *Priority groups.* * * *

(iii) Group III includes:

* * * * *

(*c*) Patients eligible under § 17.47(a) or (b) currently hospitalized in an appropriate Veterans Administration facility nearest the point of application who have requested a transfer at their own expense to an appropriate Veterans Administration facility nearer their home, provided clinical findings indicate that such patient will require hospital treatment for a period of 90 days or more in the latter facility.

* * * * *

(v) Group V includes:

(*a*) Veterans eligible under § 17.47(d) or (e) admitted to a Veterans Administration facility who subsequently are determined to require psychiatric care for more than 6 months and transfer to another Veterans Administration facility for such care has been requested.

(*b*) Patients eligible under § 17.47(c), (d) or (e) who on application were admitted to a Veterans Administration facility other than the appropriate one nearest to the point of application. These veterans may be transferred to the appropriate facility which is nearest to the point of application provided the clinical findings indicate that they will require 90 days or more of inpatient care in the latter facility.

(*c*) Patients eligible under § 17.47(c), (d) or (e) currently hospitalized in an appropriate Veterans Administration facility nearest the point of application who have requested a transfer at their own expense to an appropriate Veterans Administration facility nearer their home, provided clinical findings indicate that such patients will require hospital care for a period of 90 days or more in the latter facility.

(vi) Group VI includes veterans eligible under § 17.47(d) or (e) not hospitalized by the Veterans Administration (are not in hospitals or are in non-Veterans Administration hospitals but not under Veterans Administration authorization).

* * * * *

(ix) Group IX includes patients in Veterans Administration facilities who have requested transfer, at their own expense for personal reasons, to another appropriate Veterans Administration facility which is not nearest their home, provided the clinical findings indicate that such patients will require hospital care for a period of 6 months or more in the latter facility.

(x) Group X includes veterans eligible under § 17.47(d) or (e) requiring hospital care (*a*) for an occupational injury or disease incurred in or as a result of their employment who are entitled to necessary medical and hospital treatment elsewhere at no expense to themselves by means of some form of industrial coverage provided by their employer or under a worker's compensation statute or law or (*b*) who are entitled to necessary medical and hospital treatment elsewhere at no expense to themselves by reason of some other form of insurance. An applicant will be classified in paragraph (a)(3)(x)(*a*) or (*b*) of this section only when an employer or insurer has admitted liability and advised the Veterans Administration in writing that the veteran is eligible for the necessary medical and hospital care at no expense to himself/herself. If such information is not available, the application will be placed in group VI and no action will be taken to ascertain liability prior to admission of the veteran.

* * * * *

(b) Priorities for domiciliary care. * * *

(2) Priority for admission to domiciliary care (except as noted in paragraph (b)(1) of this section).

(i) Group I includes eligible patients under § 17.47(c)(3), who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration medical facilities.

* * * * *

(iii) Group III includes patients eligible under § 17.47(d) who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration medical facilities.

(iv) Group IV includes applicants eligible under § 17.47(d) who are in receipt of less than $415 income a month for their own use.

(v) Group V includes applicants eligible under § 17.47(d) who are in receipt of $415 or more income a month for their own use.

* * * * *

(c) *Priorities for nursing home care.* Priorities for nursing home care will follow the same sequence as that provided in paragraph (a) of this section for hospital care, except in the case of nursing home care for a service-connected disability, priority will be given to veterans transferred from hospital care to Veterans Administration nursing home care over veterans directly admitted.

Note.—The provisions of § 17.48(b)(1) will apply in determining whether the veteran has $415 income available for his or here own use.

6. In § 17.123, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

Outpatient dental treatment may be authorized by the Chief, Dental Service, for beneficiaries defined in § 17.60(a) to (d) to the extent prescribed and in accordance with the applicable classification and provisions set forth in this section.

* * * * *

§ 17.350 [Amended]

7. Section 17.350 is amended by deleting the words "Bureau of the Budget" and inserting the words "Office of Management and Budget" in the last sentence.

§ 17.351 [Amended]

8. Section 17.351 is amended by deleting the word "he" and inserting the words "the Administrator" in the first sentence.

§ 17.353 [Amended]

9. Section 17.353 is amended by deleting the word "he" and inserting the words "the Administrator" in the first sentence.

10. Section 17.355 is revised to read as follows:

§ 17.355 Awards procedures.

All applications for grants to the Republic of the Philippines under the provisions of § 17.351 or 17.353 shall be

submitted to the Chief Medical Director or a designee for consideration. (38 U.S.C. 632)

(38 U.S.C. 201(c))

[FR Doc. 80-21210 Filed 7-16-80; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces numerous miscellaneous revisions of the Postal Contracting Manual, section 19, which deals with mail transportation contracting. The revisions are explained below in the Supplementary Information.

EFFECTIVE DATE: June 15, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Jones, (202) 245-4603.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the **Federal Register** (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 32, dated May 15, 1980.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers of the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation

a. 19-105.3 has been revised to define "air carrier" consistent with statute.

b. 19-105.3(b) has been deleted because Public Law 95-58 (Airline Deregulation Act of 1978) repealed provisions relating to supplemental air carriers and substituted "charter air carrier."

c. 19-105.3(c) has been deleted and replaced with 19-105.3 (b), (c), (d) and (e). The revisions provide definitions of service available for the transportation of mail as a result of recently enacted laws.

d. 19-109.1 has been revised to clarify the means by which the Postal Service may obtain the transportation of mail by air.

e. 19-113 has been revised to provide instructions for use of the new clause entitled *Claims and Disputes* in mail transportation contracts.

f. 19-117.5(a)(i)(1) has been revised to include commuter service.

g. 19-136 has been added to incorporate, by reference, section 12, part 10, Employment of the Handicapped.

h. 19-137 has been added to incorporate, by reference, section 12, part 11, Employment of Disabled and Vietnam Era Veterans.

i. 19-801 has been rewritten to provide conformity with other changes effected by this transmittal letter.

j. 19-802.1 has been revised to eliminate confusing provisions and duplications.

k. 19-802.2 has been rewritten to correct reference.

l. 19-802.3 has been revised to clarify use of uncertificated air route contracts as authorized by law.

m. 19-803.21 has been revised to differentiate with consistency the two distinct types of air taxi mail transportation services available.

n. 19-803.41 has been changed to provide correct reference.

o. 19-806.1 has been revised to establish separate proposal package for Commuter Air Service.

p. 19-806.2(c) and 19-806.3(c) has been changed to delete listing of Form 7407 which does not apply to air transportation procurements.

q. 19-808.2 (b) and (c) has been changed by deletion of Form 7407 because it is not applicable to air transportation procurements.

r. 19-808.3 (b) and (c) has been changed by deletion of Form 7407 because it is not applicable to air transportation contracts.

s. 19-810.1(a) has been revised to provide for renewal of commuter service contracts.

t. 19-810.14 has been revised to delete Form 2750-1, an obsolete POD Form which has not been replaced.

u. 19-810.15(a)(ii) has been revised to establish documentation for renewal of Air Commuter Contracts.

v. 19-810.2 has been revised to reference 19-132.4.

w. 19-810.32 has been revised for consistency with the terms of air contracts.

x. 19-810.54(b) has been revised to delete reference to "19-810.53(d)."

y. 19-810.8 has been revised to delete the words "operating at multi-element rates." The service described is pursuant to contract rates.

z. 19-811.3 has been revised to preclude changes in certificated carrier contracts because the Postal Service has virtually no control over changes to such service.

aa. 19-812 has been revised to properly reflect the law or CAB regulations.

bb. 19-813 has been reserved for future use. The previous information shown is properly addressed in Handbook M-31, Air Service instructions and there is no requirement for this information to appear in the Postal Contracting Manual.

cc. 19-814 has been reserved for future use as the procedures previously shown are no longer applicable because service is now procured through contracting actions.

dd. 19-816 has been revised to correct title of Transportation Handbook T-1.

ee. 19-504.2 has been revised to update maritime transportation rates.

ff. The following revised forms have been included in section 19 and must be used immediately, where applicable:

(1) Form 7407, Apr. 1979—Basic Surface Transportation Contract General Provisions

(2) Form 7463, Oct. 1979—Cost Statement—Highway Transportation Contracts

(3) Form 7463-A, Oct. 1979—Negotiated Cost Statement—Highway Transportation Contracts

(4) Form Worksheet 7468-A, July 1979—Highway Transportation Contract—Bid or Renewal Previous editions of the above forms are obsolete and must be destroyed.

gg. The remainder of the changes are minor, editorial or technical in nature.

In consideration of the foregoing, 39 CFR 601 is amended by adding the following to § 601.105:

§ 601.105 Amendments to the Postal Contracting Manual.

Transmittal letter	Dated	FEDERAL REGISTER publication
* * * * *		
32	May 15, 1980	45 FR 47681

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 80-21175 Filed 7-15-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1539-2]

Approval and Promulgation of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Effective May 2, 1980 [45 FR 16486 and 45 FR 21634], the carbon monoxide and ozone portions of the Colorado State Implementation Plan (SIP) were disapproved by the Environmental Protection Agency (EPA) because of the State's failure to adopt and submit an acceptable automobile exhaust emissions control program. This disapproval action invoked the stationary source construction restrictions required by Section 110(a)(2)(I) of the Clean Air Act. At the same time, EPA began exercising its authority under Sections 176(a) and 316 of the Act to withhold certain federal assistance from the affected nonattainment areas.

On May 29, 1980, the Governor submitted written evidence of the State's legal authority to implement and enforce an automobile emissions control program as well as schedules for implementing that program and a demonstration that it will achieve a 25% reduction in exhaust emissions by 1987. Today, EPA is approving this element of the SIP and is removing the funding and construction restrictions which are currently in effect.

EFFECTIVE DATE: July 16, 1980.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by September 15, 1980. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in the civil or criminal proceedings brought by EPA to enforce these requirements.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

SUPPLEMENTARY INFORMATION: EPA finds good cause exists for making the action taken in this notice immediately effective for the following reasons: (1) implementation plan revisions are already in effect under state law and EPA poses no additional regulatory burden, (2) EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible, and (3) this action removes federal funding and construction restrictions which have been in effect in certain nonattainment areas in Colorado since May 2, 1980.

Background

On January 2, 1979, the Governor of Colorado submitted a State Implementation Plan (SIP) revision in response to the requirements of Part D of the Clean Air Act (the "Act"), as amended in 1977. In general, the SIP is required to provide for the attainment and maintenance of the national ambient air quality standards for all areas which have been designated "nonattainment" pursuant to Section 107 of the Act. A critical portion of the control strategy for attainment and maintenance of the carbon monoxide and ozone standards, in portions of Colorado, is the implementation of an inspection and maintenance program. "Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Noncomplying vehicles can be prohibited from operating by requiring proof of compliance to purchase license plates or to register a vehicle. In certain cases, a windshield sticker system can be used, much like many safety inspection programs.

Section 172 of the Clean Air Act requires that State Implementation Plans which include nonattainment areas meet certain criteria. These criteria have been discussed in detail in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20377 (April 4, 1979), and its various supplements, 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979). For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension up to 1987 may be granted. In such cases, Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program . . ." In Colorado the areas which are required to have an I/M program are portions of Larimer, Weld, Adams, Arapahoe, and El Paso Counties, and the Counties of Denver, Boulder, Douglas, and Jefferson.

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 20372, 20373, n 6). Although the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

Legal Authority. States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172(b)(10).)

Commitment. The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10).)

Resources. The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7).)

Schedule. A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(B).) Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).

Program effectiveness. As set forth in the July 17, 1978, guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emissions projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states "the plan provisions . . . shall . . . provide for the implementation of all reasonably available control measures . . . ."

Specific detailed requirements of these five provisions are discussed below:

To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program,

selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establish an attainment date beyond December 31, 1982) unless approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of a plan." (Section 172(b)(10).) Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B).) The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of various I/M programs. These milestones were the general SIP requirement for compliance codified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "Implementation of all reasonably available control measures as expeditiously as practicable." (Section 172(b)(2).) At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating. Mandatory programs in New Jersey and Arizona provide for a stringency of approximately 20%. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicle failing is usually a smaller number than the stringency of the program.) Depending on the program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982, and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with a 20% stringency factor, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

In an October 5, 1979, final rulemaking on the Colorado SIP (44 FR 57401), EPA stated that the State of Colorado had satisfied the condition for an extension of the deadline for certification of adequate legal authority for a motor vehicle exhaust emissions control program. The reason for the extension was confusion during the 1979 legislative session over the approvability of the Bill under consideration. During the closing days of the 1979 Legislative Session, some of the legislators misunderstood whether EPA could approve the program established in Senate Bill 1 which included a commitment to study alternative approaches to controlling motor vehicle exhaust emissions and pass appropriate additional legislation by March 1, 1980, to meet requirements in the Clean Air Act. Senate Bill 1 also established a motor vehicle exhaust emissions control program which would go into effect automatically if the Legislature did not adopt additional legislation by March 1, 1980. However, in the October 5, 1979, rulemaking EPA indicated that the program established in Senate Bill 1 was not acceptable and noted specific deficiencies (44 FR 57404–57405). EPA conditionally approved this element of the SIP with the provision that the State certify and submit to EPA by March 1, 1980, evidence of adequate legal authority for the required program and corrections to other deficiencies noted in the October 5, 1979, rulemaking. EPA also notified the public of its intention to impose the federal funding and new source constructions restrictions, authorized by Sections 176(a), 316, and 110(a)(2)(I) of the Act, if the State failed to comply with this condition.

On March 14, 1980 (45 FR 16486), EPA published a final rule disapproving the carbon monoxide and ozone portions of the Colorado State Implementation Plan, thereby invoking the restrictions on construction of major new or modified stationary sources required by Section 110(a)(2)(I) of the Clean Air Act. In that rule, EPA also announced that it would begin exercising its authority under Section 176(a) and 316 of the Act to withhold certain federal assistance from the affected nonattainment areas.

These actions superseded EPA's October 5, 1979, conditional approval of the I/M portion of the SIP and were based on the State of Colorado's failure to satisfy a condition of approval, i.e., failure to submit evidence of adequate legal authority to implement and enforce an acceptable automobile exhaust emissions control program by March 1, 1980. See 44 FR 57401 (October 5, 1979) and 45 FR 7801 (February 5, 1980). The final rule was to be effective on March 14, 1980.

On March 13, 1980, the United States Court of Appeals for the Tenth Circuit ordered that "enforcement by the EPA of all sanctions against the State of Colorado is stayed to and including May 1, 1980." Therefore, EPA amended the final rule to respond to the Court order, and stay the effective date of the action published on March 14, 1980, to May 2, 1980 (45 FR 21634).

On May 2, 1980, the State had not yet adopted legal authority for and automobile exhaust emissions control program. Therefore, the carbon monoxide and ozone portions of the SIP were disapproved and funding and construction restrictions became effective on that date.

State Submittal

On May 7, 1980, the legislature adopted the Bill which is the subject of this notice. On May 23, 1980, Governor Richard Lamm signed the Bill into law and on May 29, 1980, the State submitted the Bill to the EPA together with supporting documentation, including detailed schedules for implementation and a demonstration that the program will achieve a 25% reduction in exhaust emissions by 1987. The supporting documentation represents a commitment by the Departments of Health and Revenue to carry out and enforce the program, and the resources necessary to do so are also identified and committed.

The law calls for annual emissions inspection for 1968 and later model year light duty vehicles including light duty trucks in the Front Range area (basically Denver, Boulder, Colorado Springs, Fort Collins, and Greeley). The Health Department will adopt emissions standards for each model year. Standards will be set so that at least 60% of 1968–1974 vehicles and at least 70% of 1975 and later vehicles can meet the standards.

Cars will be tested using emissions analyzers. If they comply with the standards, they will be issued a

certificate of emissions compliance. Model year 1968–1980 vehicles which fail to comply with the standards at the time of testing will be adjusted to manufacturers specifications and then retested. If they still fail to meet standards, they will be issued a certificate of emissions adjustment and no further repairs or maintenance will be required, unless emissions control devices have been altered, removed, disabled or rendered inoperative. Visual inspection of emission control devices will be performed. Owners of model year 1981 and later vehicles which fail to comply with standards at the time of testing will be required to repair their vehicles to meet standards. If these vehicles still fail to meet standards after expending up to $100 on emissions related repair cost, they will be issued a certification of emissions adjustment.

The high altitude performance adjustments provided by Section 215 of the Clean Air Act will be included as part of the adjustments required.

The full program will begin on January 1, 1982, but a change of ownership and voluntary program will begin July 1, 1981. The provisions of the program requiring repairs on 1981 and later model year vehicles will begin July 1, 1982.

The emissions tests and adjustments will be conducted by trained mechanics. The mechanic training and licensing program will be run by the Department of Health and mechanics will have to pass a competency test before being licensed. The Department of Health will also administer an information program to insure public acceptance.

The Department of Health will insure quality control by:

(1) establishing specifications and standards for emissions analyzers and emissions analyzers to be used by inspection stations will have to be approved by the Department;

(2) checking and calibrating the analyzers on a regular basis;

(3) establishing procedures to be used in conducting inspections and performing adjustments; and

(4) periodically sending "unmarked" vehicles through inspection stations to evaluate program effectiveness.

The Department of Health will also continuously evaluate the effectiveness of the program and make annual recommendations to the Legislature regarding needed program improvements. The evaluation will focus particularly on whether a significant number of vehicles are failing to pass the retest after adjustments are made developing alternative procedures to be followed for repairing 1981 and later vehicles which will not be adjustable and may require repairs or parts replacement to comply with the standards.

Enforcement of the program will be by the Department of Revenue through the safety inspection program. If a vehicle does not have a valid certificate of emissions control at the time of safety inspection, no safety inspection sticker may be issued and the vehicle will be prohibited from operating. Penalty provisions are included. The Department of Revenue will also administer a referee program.

Emissions standards for new vehicles sold at high altitudes have been proposed by EPA, effective with the 1982 model year. The existence of these standards will result in the Colorado I/M program enabling warranty coverage under Section 207(b) of the Clean Air Act. Properly maintained 1982 and later model year vehicles failing inspection will have engine components affecting emissions repaired at the expense of the vehicle manufacturer for the first two years or 24,000 miles. Emission control equipment will be covered for five years or 50,000 miles.

Final Action

On June 13, 1980, [45 FR 40169) EPA proposed approval of the Governor's submittal and solicited comments on this action. One comment was received; however, it did not address the adequacy of the state I/M program but rather objected to EPA's use of federal funding and stationary source construction restrictions to obtain State compliance.

EPA believes its actions on an adequate I/M program were clearly authorized by Sections 176(a), 316 and 110(a)(2)(I) of the Act. Furthermore, EPA believes the provisions of the Act authorizing such actions are constitutional. Federal funding restrictions are the traditional method used by Congress to gain State cooperation in federal programs. The construction moratorium is an interim prohibition on private pollution sources and is invoked solely for the purpose of protecting public health. EPA's position on these issues are explained in more detail in briefs and other documents filed by the Agency in the *Mountain States Legal Foundation, et al.*, v. *Costle* lawsuit (Case No. 79–2261, U.S. Court of Appeals for the Tenth Circuit).

EPA is approving Colorado's automobile exhaust emissions control program for inclusion in the State Implementation Plan. Today's action supersedes EPA's earlier disapproval of this portion of the SIP, and also removes the federal funding and stationary source construction restrictions authorized by Sections 176(a), 316 and 110(a)(2)(I) of the Act, which have been in effect since May 2, 1980.

Colorado's law provides adequate legal authority to implement and enforce an automobile exhaust emissions control program beginning January 1, 1982. The law also represents a commitment to implement and enforce the program and identifies and commits adequate financial and manpower resources. The detailed schedules provided by the State are also acceptable.

Finally with respect to program effectiveness, the State has demonstrated the required 25% reduction in HC and CO light duty vehicle exhaust emissions in 1987. Much of this emission reduction will come from the inspection and maintenance program for 1981 and later models, which features a 30% stringency with full mechanic training. EPA is concerned about the effectiveness of the adopted adjustment program for pre-1981 models, especially the lack of a substantive requirement to pass the retest. Should the first annual program evaluation indicate a substantial number of these models are failing to pass the retest, compliance with the 25% requirement will be in jeopardy, and the State will have to revise the program accordingly.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Section 110, 176, and 316 of the Clean Air Act as amended.

Dated: July 10, 1980.

Douglas M. Costle,

Administrator.

Title 40, Part 52 of the Code of the Federal Regulation is amended as follows:

Subpart G—Colorado

1. Section 52.320(c)(18) is revised as follows:

§ 52.320 Identification of Plan.

* * * * *

(c) * * *

(18) On May 29, 1980, the Governor submitted written evidence of the State's legal authority to implement and enforce an automobile emissions control program as well as schedules for

implementing that program and a demonstration that it will achieve a 25% reduction in exhaust emissions by 1987.

§ 52.324 [Amended]

2. In § 52.324, paragraph (c) is deleted.

§ 52.327 [Amended]

3. In § 52.327, paragraph (a) 1. is deleted.

§ 52.328 [Amended]

4. In § 52.328, paragraph (a) 1. is deleted.

[FR Doc. 80-21184 Filed 7-15-80; 8:45 am]
BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-15

[FPR Amdt. 205]

Revisions to Cost Principles for Commercial Organizations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation revises a number of contract cost principles applicable to commercial organizations. The basis for the changes are the treatment of the various principles in the Defense Acquisition Regulation and new approaches introduced by Cost Accounting Standards. The intended effect is to provide uniform contract cost principles for Government-wide use.

EFFECTIVE DATE: August 25, 1980, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: Significant changes, proposed revisions not adopted and other matters of interest are discussed below:

1. Significant Changes

Significant changes introduced in this amendment include the following:

(1) Cost Accounting Standard 406, Cost Accounting Period, is incorporated into the cost principles for application to fully CAS-covered contracts, but existing coverage is retained for uncovered contracts and those subject to modified CAS coverage.

(2) Unallowable sales promotion is described and guidance for identifying unallowable costs is provided.

(3) Contractors with contracts subject to Cost Accounting Standard 409, Depreciation of Tangible Capital Assets, are permitted an election to adopt the Standard for contracts not subject to CAS 409.

(4) Conditions for the allowability of insurance coverage in excess of the acquisition cost of insured assets are set forth in the insurance cost principle. Late premium payment charges related to employee deferred compensation plan insurance are made unallowable.

(5) New allowability criteria are provided for retainer fees related to professional and consulting service costs. The allowability of professional and consulting service fees is conditioned on the availability of evidence supporting the nature and scope of services furnished.

(6) Gains and losses from the sale, retirement, or other disposition of depreciable property are made a consideration in contract costing as adjustments of previously recognized depreciation.

(7) Taxes incurred in connection with reorganizations and funding deficiencies or prohibited transactions involving employee deferred compensation plans are included among unallowable taxes. New guidance is also provided dealing with situations where (a) partial exemption from a tax is attributable to Government contract activity, (b) taxes are incurred on property used solely on non-Government work, and (c) taxes are incurred on property used for both Government and non-Government work.

(8) New guidance is provided concerning the allowability of education expenses for persons other than contractor employees and employee dependents.

2. Proposed Revisions Not Adopted

Several proposed revisions that were forwarded to agencies for comment were not included in this amendment. These proposed revisions and the reasons for the deletion are as follows:

(1) Regulatory coverage pertaining to capital leases, operating leases, Financial Accounting Standard No. 13 (FAS-13) and related subjects was proposed for inclusion in §§ 1-15.205-9(j), 1-15.205-34, and 1-15.205-50. It became apparent during the comment period that the Department of Defense (DOD) was experiencing problems with the revised coverage in the Defense Acquisition Regulation (DAR) and that revised DAR coverage was presently under consideration. To avoid a premature change to contract costing procedures which will probably be altered in the near future, revision of FPR coverage on leasing is being deferred pending further DOD action on the depreciation, rental, and automatic data processing equipment (ADPE) leasing cost principles.

(2) A number of agencies objected to the proposed incorporation of Cost Accounting Standard (CAS) 405—Accounting For Unallowable Costs into § 1-15.201-6 of the contract cost principles and procedures. Concerns were expressed that this action extended burdensome accounting requirements to contactors who are not subject by law to the Cost Accounting Standards. In consideration of this position and those presented by others that CAS 405: (a) is largely procedural, (b) does not directly impact a particular cost treated in § 1-15.205, and (c) contains rules already covered to some extent in existing FPR coverage, a decision was made not to incorporate the Standard into Subpart 1-15.2 at this time.

(3) A proposed revision to § 1-15.205-37(b) was also deleted from this amendment. The revision would have prohibited the allocation of selling costs incurred in connection with foreign military sales to U.S. Government contracts for U.S. Government requirements. During the period allowed for comments, it was learned that DOD was reconsidering its interpretation of the Arms Export Control Act, which originally influenced this requirement in the DAR, and that revised coverage was under development. Therefore, a decision was made to defer modification of the FPR pending further DOD action on this aspect of the selling cost principle.

3. Other Matters of Interest

The views and recommendations of agencies also were solicited on several other matters pertaining to contract cost principles. The matters at issue were:

(1) Desirability of revising the cost principles on bidding costs (§ 1-15.205-3) and research and development costs (§ 1-15.205-35),

(2) Whether or not to defer further action on existing coverage of "facilities capital cost of money" (see FPR Temporary Regulation 40, dated October 1, 1976) pending profit policy direction from the Office of Federal Procurement Policy, and

(3) Need for an administrative procedure similar to that included in DAR § 15.206 and § 7-203.35 pertaining to a "notice of intent to disallow or not recognize costs." In view of the fact that there was no significant expression of agency desire for change, no action is being taken in these areas at this time.

1. The table of contents for Subpart 1-15.2 is amended to revise 1-15.205-32 to read as follows:

Sec.
1-15.205-32 Gains and losses on disposition of depreciable property or other capital assets.

Subpart 1-15.2—Contracts With Commercial Organizations

2. Section 1-15.203 is amended by revising paragraphs (c) and (e) to read as follows:

§ 1-15.203 Indirect costs.

* * * * *

(c) Each grouping shall be distributed to the appropriate cost objectives. This necessitates the selection of a distribution base common to all cost objectives to which the grouping is to be allocated. The base should be selected so as to permit allocation of the grouping on the basis of the benefits accruing to the several cost objectives. This principle for selection is not to be applied so rigidly as to unduly complicate the allocation where substantially the same results are achieved through less precise methods. Once an appropriate base for the distribution of indirect costs has been accepted, such base shall not be fragmented by the removal of individual elements. Consequently, all items properly includable in an indirect cost base should bear a pro rata share of indirect cost irrespective of their acceptance as Government contract costs. For example, when a cost input base is used for the distribution of general and administrative (G&A) costs, all items that would properly be part of the cost input base, whether allowable or unallowable, shall be included in the base and bear their pro rata share of G&A costs.

* * * * *

(e) A base period for allocation of indirect costs is the cost accounting period during which such costs are incurred and accumulated for distribution to work performed in that period. The criteria and guidance set forth in Cost Accounting Standard (CAS) 406, Cost Accounting Period, for selection of the cost accouting periods to be used for allocation of indirect costs, are incorporated in their entirety for application to fully CAS covered contracts. For contractors not having contracts subject to the Cost Accouting Standards and for those having contracts subject to modified CAS coverage, normally the base period will be the contractor's fiscal year; however, use of a period shorter than the contractor's fiscal year may be appropriate (1) for contracts for which performance involves only a minor portion of the fiscal year, or (2) where it is general practice in the industry to use a shorter period. In any event, the base period or periods used shall avoid creating inequities in the allocation of indirect costs. When a contract is performed over an extended period, as many base periods will be used as are required to represent the period of contract performance.

* * * * *

3. Section 1-15.204 is revised by adding a new paragraph (a) and redesignating the remaining paragraphs as (b) through (d), as follows:

§ 1-15.204 Application of principles and procedures.

(a) Deviations from the cost principles in this Subpart 1-15.2 shall be processed in accordance with the procedures in § 1-1.009.

(b) Costs shall be allowed to the extent that they are reasonable (see § 1-15.201-3), allocable (see § 1-15.201-4), and determined to be allowable in view of the other factors set forth in §§ 1-15.201-2 and 1-15.205. These criteria apply to all of the selected items of cost which follow, notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

(c) Costs incurred as reimbursements or payments to a subcontractor under a cost-reimbursement, fixed-price incentive, or price redeterminable type subcontract of any tier above the first firm fixed-price or fixed-price escalation subcontract are allowable to the extent that allowance is consistent with the subpart of this Part 1-15 which is appropriate to the subcontract involved. Thus, if the subcontract is for supplies, such costs are allowable to the extent that the subcontractor's costs would be allowable if this Subpart 1-15.2 were incorporated in the subcontract; if the subcontract is for construction, such costs are allowable to the extent that the subcontractor's costs would be allowable if Subpart 1-15.4 of this Part 1-15 were incorporated in the subcontract. Similarly, costs incurred as payments under firm fixed-price or fixed-price escalation subcontracts or modifications thereto, when costs analysis was performed pursuant to § 1-3.807-10(b) shall be allowable only to the extent that the price was negotiated in accordance with the principles in § 1-15.106.

(d) Selected items of cost are treated in § 1-15.205. However, § 1-15.205 does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in § 1-15.205 is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this subpart and, when appropriate, the treatment of similar or related selected items.

4. Section 1-15.205-1 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1-15.205-1 Advertising costs.

(a) Advertising costs mean the costs of media advertising and directly associated costs. Media advertising includes magazines, newspapers, radio and television programs, direct mail, trade papers, outdoor advertising, dealer cards and window displays, conventions, exhibits, free goods and samples, and the like.

* * * * *

(c) Advertising costs other than those specified in paragraph (b) of this section are not allowable. Unallowable advertising costs include those related to sales promotion. Such advertising involves direct payment for the use of time or space to promote the sale of products, either directly by stimulating interest in a product or product line, or indirectly by disseminating messages calling favorable attention to the advertiser for purposes of enhancing its overall image to sell its products. In both instances, the advertiser has control over the form and content of what will appear, the medium in which it will appear, and when it will appear.

5. Section 1-15.205-2 is revised to read as follows:

§ 1-15.205-2 Bad debts.

Bad debts, including losses (whether actual or estimated) arising from uncollectable customers' accounts and other claims, related collection costs, and related legal costs, are unallowable.

6. Section 1-15.205-9 is amended by revising paragraphs (b)-(h) and by adding a new paragraph (i) to read as follows:

§ 1-15.205-9 Depreciation.

* * * * *

(b) Contractors having contracts subject to Cost Accounting Standard (CAS) 409 (Depreciation of Tangible Capital Assets) must adhere to the provisions of the Standard for all fully CAS-covered contracts, and may elect to adopt the Standard for other contracts. All provisions of CAS 409 are applicable if the election is made. When CAS 409 is applicable, its provisions supersede any conflicting provisions of this cost principle. Once electing to adopt CAS 409 for uncovered contracts, contractors must continue to follow its provisions until notification is received of final acceptance of all deliverable

items on all open negotiated Government contracts. The principles which follow are applicable to those contracts to which CAS 409 is not applied.

(c) Normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost provided the contractor is able to demonstrate that such costs are reasonable and properly allocable to the contract. Subject to paragraphs (d) through (i) of this section:

(1) Depreciation will ordinarily be considered reasonable if the contractor follows depreciation policies and procedures which:

(i) Are consistent with the policies and procedures the contractor follows in the same cost center in connection with business other than Government business;

(ii) Are reflected in the contractor's books of account and financial statements; and

(iii) Are used by the contractor for Federal income tax purposes, and are acceptable for such purposes.

(2) When the depreciation reflected on a contractor's books of account and financial statements differs from that used and acceptable for Federal income tax purposes, reimbursement shall be based upon the cost of the asset to the contractor, amortized over the estimated useful life of the property, using depreciation method (straight line, sum of the years' digits, etc.) acceptable for income tax purposes. Allowable depreciation shall not exceed the amounts used for book and statement purposes and shall be determined in a manner consistent with the depreciation policies and procedures followed in the same cost center in connection with the contractor's business other than Government business.

(3) Depreciation for reimbursement purposes in the case of tax-exempt organizations shall be determined on the basis outlined in paragraph (c)(2) of this section.

(d) Special considerations are required for assets acquired before the effective date of this principle where, on the effective date of this principle, the undepreciated balance of such assets, resulting from depreciation policies and procedures used previously for Government contracts and subcontracts, is different from the undepreciated balance of such assets on the books and financial statements. Generally, the undepreciated balance for contract cost purposes shall be depreciated over the remaining life using the methods and lives followed for book purposes. The aggregate depreciation on any asset allowable after the effective date of this § 1–15.205–9 shall not exceed the cost basis of the asset less any depreciation allowed or allowable under prior procurement regulations.

(e) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accounting period may, consistent with the basic objectives set forth in paragraph (a) of this § 1–15.205–9, vary with volume of production or use of multishift operations.

(f) No depreciation, rental, or use charge shall be allowed on property acquired at no cost from the Government by the contractor or by any division, subsidiary, or affiliate of the contractor under a common control.

(g) The depreciation on any item which meets the criteria for allowance at a "price" in accordance with § 1–15.205–22(e) may be based on such price, provided the same depreciation policies and procedures are used for costing purposes for all business of the using division, subsidiary, or organization under common control.

(h) No depreciation or rental shall be allowed on property fully depreciated by the contractor or by any division, subsidiary, or affiliate of the contractor under a common control; however, a reasonable charge for the use of fully depreciated property may be agreed upon and allowed (see § 1–15.107). In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, effect of any increased maintenance charges or decreased efficiency due to age, and the amount of depreciation, if any, previously charged to Government contracts and subcontracts.

(i) For depreciation on idle facilities and idle capacity, see § 1–15.205–12.

7. Section 1–15.205–16 is amended by revising paragraph (a)(2)(iii), and (v), by adding a new paragraph (a)(2)(iii) and a new paragraph (c) to read as follows:

§ 1–15.205–16 Insurance and indemnification.

(a) * * *

(2) * * *

(iii) The cost of casualty insurance premiums for insurance coverage in excess of acquisition cost of the insured assets is allowable: *Provided*, The contractor has a formal written policy assuring that in the event the insured property is involuntarily converted, the new asset shall be valued at the book value of the replaced asset plus or minus adjustments for differences between insurance proceeds and actual replacement cost. If the contractor does not have such a formal written policy, the cost of premiums for insurance coverage in excess of the acquisition cost of the insured asset is unallowable.

(iv) Costs of insurance or of any provision for a reserve covering the risk of loss of or damage to Government property are allowable only to the extent that the contractor is liable for such loss or damage and such insurance or reserve does not cover loss or damage which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the contractor's business, or (B) all or substantially all of the contractor's operations at any one plant or separate location in which the contract is being performed, or (C) a separate and complete industrial operation in connection with the performance of the contract;

(v) Provisions for a reserve under an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks, except that provisions for known or reasonably estimated self-insured liabilities, such as liabilities for workmen's compensation, which do not become payable for more than one year after such provision is made, shall not exceed the present value of the liability, determined by using a rate of 6 percent compounded annually; and

(vi) Costs of insurance on the lives of officers, partners, or proprietors are allowable only to the extent that the insurance represents additional compensation (see § 1–15.205–6).

* * * * *

(c) Late premium payment charges related to employe deferred compensation plan insurance, incurred under section 4007 or section 4023 of the Employee Retirement Income Security Act of 1974, are unallowable.

8. Section 1–15.205–17 is revised to read as follows:

§ 1–15.205–17 Interest and other financial costs.

Interest on borrowings (however represented), bond discounts, costs of financing and refinancing capital (net worth plus long-term liabilities), legal and professional fees paid in connection with the preparation of prospectuses, costs of preparation and issuance of stock rights, and costs related thereto, are unallowable except for interest assessed by State or local taxing authorities under the conditions set forth in § 1–15.205–41. (But see § 1–15.205–24.)

9. Section 1–15.205–23 is revised to read as follows:

§ 1–15.205–23 Organization costs.

Expenditures in connection with (a) planning or executing the organization or reorganization of the corporate structure of a business, including mergers and acquisitions, or (b) raising capital (net worth plus long-term liabilities), are unallowable. Such expenditures include but are not limited to incorporation fees and costs of attorneys, accountants, brokers, promoters and organizers, management consultants, and investment counselors, whether or not they are employees of the contractor (see § 1–15.205–47). Unallowable "reorganization" costs include the cost of any change in the contractor's financial structure, excluding administrative costs of short-term borrowings for working capital, resulting in alterations in the rights and interests of security holders whether or not additional capital is raised.

10. Section 1–15.205–31 is amended by revising paragraphs (a) and (c) and adding a new paragraph (e) to read as follows:

§ 1–15.205–31 Professional and consultant service costs-legal accounting, engineering, and other.

(a) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill and who are not officers or employees of the contractor are allowable, subject to paragraphs (b), (c), (d), and (e) of this § 1–15.205–31, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government (see §§ 1–15.205–23 and 1–15.205–26).

* * * * *

(c) In addition to the factors in paragraph (b) of this § 1–15.205–31, retainer fees to be allowable must be supported by evidence that:

(1) The services covered by the retainer agreement are necessary and customary;

(2) The level of past services justifies the amount of the retainer fees (if no services were rendered, fees are not automatically unallowable); and

(3) The retainer fee is reasonable in comparison with maintaining an in-house capability to perform the covered services, considering factors such as cost and level of expertise.

* * * * *

(e) Except for retainers (see par. (c) of this section), fees for services rendered shall be allowable only when supported by evidence of the nature and scope of the services furnished. (See also § 1–15.205–37(c).)

11. Section 1–15.205–32 is revised to read as follows:

§ 1–15.205–32 Gains and losses on disposition of depreciable property or other capital assets.

(a) Gains and losses from the sale, retirement, or other disposition (but see § 1–15.205–16) of depreciable property, for purposes of computing contract costs, shall be included in the year in which they occur as credits or changes to the cost grouping(s) in which the depreciation or amortization applicable to such assets was included (but see paragraph (d) of this section).

(b) Gains and losses on disposition of depreciable property shall be considered as adjustments of depreciation costs previously recognized. The gain or loss for each asset disposed of is the difference between the net amount realized, including insurance proceeds from involuntary conversions, and its undepreciated balance. The gain to be recognized for contract costing purposes shall be limited to the difference between the acquisition cost of the asset and its undepreciated balance, except see paragraphs (c)(2) (i) or (ii) of this section.

(c) Special considerations apply to involuntary conversions. An involuntary conversion of property occurs when a contractor's property is destroyed in whole or in part by events, over which the owner has no control, such as fire, windstorm, flood, accident, theft, etc., and an insurance award is recovered. The following shall govern regarding involuntary conversions:

(1) Where there is a cash award and the converted asset is not replaced, gain or loss will be recognized in the period of disposition, but the gain recognized in the period of disposition, but the gain recognized for contract costing purposes will be limited to the difference between the original acquisition cost of the asset and its undepreciated balance;

(2) Where the converted asset is replaced, a contractor will either:

(i) Adjust the depreciable basis of the new asset by the amount of the total realized gain or loss; or

(ii) Recognize the gain or loss in the period of disposition, in which case the Government will participate to the same extent as outlined in paragraph (c)(1) of this section.

(d) Gains and losses on the disposition of depreciable property shall not be recognized as a separate charge or credit where:

(1) Such gains and losses are processed through the depreciation reserve account and are reflected in the depreciation allowable under § 1–15.205–9, or

(2) The property is given in exchange as part of the purchase price of a similar item and the gain or loss is taken into consideration in the depreciation cost basis of the new item.

(e) Gains and losses arising from mass or extraordinary sales, retirements, or other dispositions shall be considered on a case-by-case basis.

(f) Gains and losses of any nature arising from the sale or exchange of capital assets other than depreciable property shall be excluded in computing contract costs.

12. Section 1–15.205–37 is amended by revising paragraph (c) to read as follows:

§ 1–15.205–37 Selling Costs.

* * * * *

(c) Notwithstanding paragraph (b) of this section, salespersons' or agents' compensation, fees, commissions, percentages, retainer or brokerage fees, whether or not contingent upon the award of contracts, whether foreign or domestic, are allowable only when paid to bona fide employees (see § 1–1.504–4) or bona fide established commercial or selling agencies (see § 1–1.504–5) maintained by the contractor for the purpose of securing business.

13. Section 1–15.205–40 is amended by revising paragraph (d) to read as follows:

§ 1–15.205–40 Special tooling and special test equipment costs.

* * * * *

(d) Where items are disqualified as special tooling because with less than substantial modification or alteration they can be made general purpose, and where items are disqualified as special test equipment because with relatively minor expense they can be made suitable for general purpose use and have a value as such commensurate with their value as special test equipment, the cost of adapting the items for use under the contract and the cost of returning them to their prior configuration will be allowable.

14. Section 1–15.205–41 is amended by revising subparagraphs (a)(2), (a)(3), (a)(5) and adding a new subparagraph (a)(6) to read as follows:

§ 1–15.205–41 Taxes.

(a) * * *

(2) Taxes in connection with financing, refinancing, refunding operations or reorganizations (see §§ 1–15.205–17 and 1–15.205–23);

(3) Taxes from which an exemption is available to the contractor directly or available to the contractor based on an exemption afforded the Government except when the contracting officer determines that the administrative burden incident to obtaining the exemption outweighs the corresponding benefits accruing to the Government. When partial exemption from a tax is attributable to Government contract activity, taxes charged to such work in excess of that amount resulting from the preferential treatment applicable thereto shall be unallowable. The objective of these provisions is to assure that any tax preference attributable to Government contract activity is realized by the Government. The term "exemption," as used herein, means freedom from taxation in whole or in part and includes a tax abatement or reduction resulting from mode of assessment, method of calculation, or otherwise;

* * * * *

(5) Taxes (including excises) on property, real or personal, or on the value, use, possession or sale thereof, which is used solely in connection with work other than on Government contracts. (Taxes on property used solely in connection with either non-Government or Government work should be considered directly applicable to the respective category of work unless the amounts involved are insignificant or comparable results would otherwise be obtained; e.g., taxes on contractor-owned work-in-process, which is used solely in connection with non-Government work, should be allocated to such work; taxes on contractor-owned work-in-process inventory (and Government-owned work-in-process inventory when taxed) used solely in connection with Government work should be charged to such work.) The cost of taxes incurred by reason of the use of property on both Government and non-Government work shall be apportioned to all such work on the basis of the use of such property on the respective final cost objectives; and

(6) Taxes on accumulated funding deficiencies of or prohibited transactions involving employee deferred compensation plans under section 4971 or section 4975 of the Internal Revenue Code of 1954, as amended, respectively.

15. Section 1–15.205–44 is amended by adding a new paragraph (h) to read as follows:

§ 1–15.205–44 Training and educational costs.

* * * * *

(h) Costs of tuition, fees, textbooks, and similar or related benefits provided for other than bona fide employees are unallowable except that:

(1) Such costs incurred for educating employee dependents (primary and secondary level students) when the employee is working in a foreign country where public education is not available and where suitable private education is inordinately expensive may be included in overseas differential provided for in § 1–15.205–6(a)(1); or

(2) When a contractor, prior to the effective date of this revision, has had an employee dependent education plan providing for the college education of employee's dependents, the costs incurred under such plans for students already attending college under these plans will be allowable until the students have completed the equivalent of four academic years of study under the plan.

* * * * *

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

Dated: July 7, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-21189 Filed 7-15-80; 8:45 am]

BILLING CODE 6820-61-M

ACTION

45 CFR Part 1202

Declassification: Transfer of Regulations

AGENCY: ACTION.

ACTION: Transfer of regulations.

SUMMARY: On May 16, 1979, Executive Order 12137 was issued wherein the status of Peace Corps was changed from that of a component of ACTION to an autonomous agency within ACTION, pursuant to the provisions of the Order. In light of this Executive Order, and due to the fact that the authority, from 1962–1972, to classify documents was vested in Peace Corps, it is deemed more appropriate for these regulations to be located in that Part of the C.F.R. reserved for Peace Corps regulations. This document transfers those regulations relating to declassification of documents to Title 22, Code of Federal Regulations.

EFFECTIVE DATE: July 16, 1980.

FOR FURTHER INFORMATION CONTACT: Louise E. Maillett, Assistant General Counsel, ACTION, Telephone (202) 254–8855.

SUPPLEMENTARY INFORMATION: Accordingly, 45 CFR Part 1202 is hereby transferred to Title 22 CFR 301.

(Executive Order 12137, entitled "The Peace Corps"; 42 U.S.C. 5042(14); 42 U.S.C. 5042(15))

Sam Brown,

Director, ACTION.

[FR Doc. 80-21285 Filed 7-15-80; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

Migratory Bird Hunting and Conservation Stamp Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule, announcement of contest.

SUMMARY: The Service issues several changes in the annual migratory bird hunting and conservation stamp contest. The changes provide for a uniform mat size for all entries, add swans as species eligible for the dominant feature, and modify the initial screening of entries by the judges. The growing popularity of this contest has resulted in significant increases in the number of entries, with over 1,300 entries in the 1979 contest. The changes will improve administrative and judging processes in the contest. The Service also announces the date and location of the 1980 contest.

DATES: This rule is effective July 16, 1980. This year's contest will be held on November 6, 1980, beginning at 9 a.m.

ADDRESS: The 1980 contest will be held in the Department of the Interior Auditorium, 18th and C Streets NW., in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hines, Office of Audio Visual, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–5611.

SUPPLEMENTARY INFORMATION: The annual Migratory Bird Hunting and Conservation Stamp Contest is held by the U.S. Fish and Wildlife Service to select a design for the following year's Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp. Entries for the November 6 contest must be postmarked no later than midnight of October 15, 1980.

On June 10, 1980, the Service published proposed changes to the rules of the contest (45 FR 39317). The specific reasons for each change were discussed in the proposal and were primarily intended to improve the administration of the contest. The Servic received no substantive comments on the proposed

changes and has made no changes from the proposal in the final rule. The primary author of this rule is Bob Hines, Office of Audio Visual. The Department has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Since this rule is administrative in nature and benefits the public by adding swans to the species eligible for the dominant feature, it will become effective July 16, 1980.

Accordingly, the Service amends 50 CFR Part 91 as shown below.

1. Revise the second and third sentences of § 91.13 to read as follows:

§ 91.13 Technical requirements for design of entry.

* * * * *

It shall be matted with a mat eight inches by ten inches. No scroll work, lettering, signature, or initials may appear on the design.

* * * * *

2. Revise the first sentence of § 91.14 to read as follows:

§ 91.14 Restrictions on subject matter of entry.

A living species of North American migratory ducks, geese, or swans must be the dominant feature of any design.

* * * * *

3. Revise the last sentence of § 91.16 to read as follows:

§ 91.16 Submission procedures for entry.

* * * * *

Each contestant must also sign, clearly print his or her name, and submit the top portion of the Reproduction Rights Agreement.

4. Revise § 91.23 in its entirety to read as follows:

§ 91.23 Display of entries for contest selection.

Entries chosen by the panel of judges under the procedures of § 91.25 of this part will be displayed chronologically, based on the date of receipt of the entry. The only visible identification mark on each displayed entry will be the number assigned to the entry by the Contest Coordinator (or authorized representative).

5. Revise § 91.25 by deleting the second sentence and replacing it with the following text.

§ 91.25 Scoring procedure for contest.

* * * * *

All qualified entries will be shown one at a time to the panel of judges by the Contest Coordinator. The judges will vote on each entry, those entries receiving a majority vote will receive further consideration. This screeing process will continue until 400 or fewer entries remain in the competition. These remaining entries will be placed together on display for public viewing and further judging.

* * * * *

6. Revise § 91.31 to read as follows:

§ 91.31 Return of entries after contest.

All entries will be returned, certified, to the particpating artists within 90 days of completion of the contest.

Dated: July 11, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-21185 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 764

Alaskan Salmon Troll Fishery; Emergency Regulations

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

ACTION: Field order/emergency regulations.

SUMMARY: The Director, Alaska Region, (Regional Director), National Marine Fisheries Service (NMFS) issues an emergency regulation (Field Order) applicable to fishing by vessels of the United States in the Alaskan salmon troll fishery, in accordance with the fishery management plan (FMP) for the "High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude," and the emergency regulations implementing the FMP (45 FR 44292).

This field order closes the East Management Area to all commercial fishing for salmon for the period beginning at 12:01 a.m. Pacific Daylight Time (PDT) on Tuesday, July 15, 1980, and lasting until 11:59 p.m. PDT on Thursday, July 24, 1980, unless superseded by a subsequent Field Order.

EFFECTIVE DATE: 12:01 a.m. PDT, Tuesday, July 15, 1980. Public comments are invited until September 12, 1980.

ADDRESS: Comments may be sent to: Robert W. Mcvey, Acting Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone (907) 586-7221.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at the above address.

SUPPLEMENTARY INFORMATION: The FMP, as amended in 1980 (45 FR 34020), provides for a 10-day closure of the salmon troll fishery in the FCZ off Alaska to correspond with a State of Alaska closure of the fishery in territorial waters. The closure is designed to assist in stabilizing or reducing coastal and offshore effort on coho salmon, consequently assisting catch and escapement inshore. It is to begin on or about July 10 unless evaluation of the coho run indicates a well above average magnitude and good movement inshore. The closure is to be instituted pursuant to the procedures described in Section 8.3.1.5 of the FMP (44 FR 33250).

Section 8.3.1.5 of the FMP provides for inseason adjustments to season and area openings and closures. Regulations implementing the FMP—promulgated on an emergency basis on May 15, 1980 (45 FR 33638) and repromulgated on June 30, 1980 (45 FR 44292)—specify in § 674.22 that these decisions shall be made by the Regional Director in accordance with criteria set out in that section. On June 17, 1980, the Assistant Administrator for Fisheries, NOAA, with the approval of the Administrator, NOAA, delegated to the Regional Director authority to promulgate Field Orders making in-season adjustments.

The closure was adopted because recent major shifts of troll effort and harvest from the inshore fishery districts to the outer coastal fishing grounds have reduced the number of coho salmon reaching the inshore districts. The shift of effort, especially by the power troll fleet, changed the allocation balance between inshore and coastal fisheries and applied greater fishing pressure to mixed coho stocks further from their natural streams (Table 1). The result has been reduced spawning escapements in some streams as well as greater restrictions on net fisheries for pink, sockeye, and chum salmon.

Table 1.—*Coho Salmon Power Troll Catch From Inside Versus Outside Fishing Areas, 1975-79*

	Inside		Outside	
	No.	Percent	No.	Percent
1975	121,333	70	51,813	30
1976	201,281	46	234,707	54
1977	189,836	54	161,278	46
1978	240,865	35	463,792	65
1979	141,832	20	531,379	80

Offshore power troll catches are averaging 20–25 coho per boat day, about average for this time period. Coho catches in the Icy Straits corridor, where coho move from offshore to inshore,

were very poor during the June 22–30 open fishing period.

Terminal area gillnet fisheries throughout Southeast Alaska are all experiencing below average catches (Table 2). The cumulative catch for the Taku-Snettisham gillnet fishery, a good indicator of inshore coho abundance, is 149 coho to date compared to the 1970–79 average of 710.

Table 2.—*Terminal Gillnet Coho Harvests Through July 4, 1980 (Week 27) by District*

District No. and name	1980		1970–79 Average	
	Week 27	Cumulative	Week 27	Cumulative
1 Tree Pt.	1,197	2,705	1,223	2,615
6 Prince of Wales.	329	748	950	1,694
8 Stikine	13	17	160	228
11 Taku-Snettisham	92	149	472	710
15 Lynn Canal	(1)	14		147

[1] Closed during week 27.

In the sport fishery in the Juneau area, the 1980 coho catch of 1.2 fish per 100 angler hours is 50 percent of the 1970–79 average. The sport fishery around Ketchikan is the only area to date with above average coho catches.

The seine fishery off Noyes Island, an outside coastal net fishery, is currently 164 coho per boat compared to the 1970–79 average of 138 fish. However, effort in the seine fishery is at record high levels.

Although early coho catches from the various fisheries cannot be used with precision to predict the ultimate size, it appears evident, at this time, that the run is neither larger than average nor has it yet moved into the inshore fishing districts.

The Regional Director finds, on the basis of the preceding considerations, that adequate protection of the resource makes public comment prior to issuance of this Field Order impracticable and contrary to the public interest, and that there is good cause for waiving the normal 30-day waiting period before it takes effect. 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. (Address: Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802). During this 60-day period, the data and information on which this decision is based will be available for inspection during business hours at the NMFS, Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska.

If comments are received during the 60-day period the Regional Director shall, if appropriate, reconsider the necessity for the closure and, as soon as practicable after that reconsideration, publish in the **Federal Register** either:

(A) a notice of continued effectiveness of this closure; or

(B) a notice to modify or rescind the closure.

An environmental impact statement was prepared for the FMP and is on file with the Environmental Protection Agency.

Signed in Washington, D.C. this 11th day of July, 1980. (16 U.S.C. 1801 *et seq.*)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

In accordance with 50 CFR 674.22, 50 CFR 674.23(a)(2) is amended to read as follows:

§ 674.23 Time and area limitations.

(a)(1) * * *

(2) East Area. (i) Commercial fishing for chinook, chum, sockeye, and pink salmon in the East Area is permitted from April 15 to 12:00 midnight Pacific Daylight Time (PDT) July 14, and from 12:00 midnight (PDT) July 24 to October 31 only.

(ii) Commercial fishing for coho salmon in the East Area is permitted from June 15 to 12:00 midnight (PDT) July 14 and from 12:01 a.m. (PDT) July 25 to 12:00 midnight (PDT) September 30 only.

[FR Doc. 80–21224 Filed 7–15–80; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 45, No. 138
Wednesday, July 16, 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 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oreg.; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of onions grown in certain designated counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum quality and size requirements. The regulation should promote orderly marketing of such onions and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due July 31, 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, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2615. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above named individual.

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

Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulate the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Onion Committee, established under the order, is responsible for its local administration.

This notice is based upon unanimous recommendations made by the committee at its public meeting in Ontario, Oregon, on June 19, 1980. The recommendations of the committee reflect its appraisal of the composition of the 1980 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of onions is expected to begin about August 1.

The grade, size pack, maturing and inspection requirements proposed herein are necessary to prevent onions of low quality or less desirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments would be allowed to certain special purpose outlets without regard to the grade, size, maturity, pack and inspection requirements, provided that safeguards were met to prevent such onions from reaching unauthorized outlets.

Special purpose shipments would be allowed for planting, livestock feed, charity, dehydration, extraction and pickling since such shipments would not normally enter the commercial fresh market channels and no useful purpose would be served by regulating such shipments. Onions for canning and freezing are exempt under the legislative authority for this part.

To maximize the benefits of orderly marketing the proposed regulation should become effective on August 1, when the marketing season is expected to begin. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 19, where it was unanimously recommended by the committee. This proposal is similar to regulations in effect for past seasons. It is hereby determined that the period allowed for comments should be sufficient under these circumstances and will tend to effectuate the declared policy of the act.

It is proposed that § 958.324 (44 FR 44470, July 30, 1979) be deleted and a new § 958.325 be added as follows:

§ 958.325 Handling regulation.

During the period August 1, 1980, through April 30, 1981, no person may handle any lot of onions, except braided red onions, unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Grade and size requirements.*

(1) *White varieties.* Shall be either:

(i) U. S. No. 2, 1 inch minimum to 2 inches maximum diameter; or

(ii) U. S. No. 2, if not more than 30 percent of the lot is comprised of onions of U. S. No. 1 quality, and at least 1½ inches minimum diameter; or

(iii) U. S. No. 1, at least 1½ inches minimum diameter. However, none of these three categories of onions may be commingled in the same bag or other container.

(2) *Red varieties.* U. S. No. 2 or better grade, at least 1½ inches minimum diameter.

(3) *All other varieties.* Shall be either:

(i) U. S. No. 2 grade, at least 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U. S. No. 1 quality; or

(ii) U. S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter; or

(iii) U. S. No. 1, at least 2¼ inches minimum diameter. However, none of these three categories of onions may be commingled in the same bag or other container.

(b) *Inspection.*

No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) or (e) of this section.

(c) *Special purpose shipments.*

The minimum grade, size, maturity and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) planting; (2) livestock feed; (3) charity; (4) dehydration; (5) canning; (6) freezing; (7) extraction; and (8) pickling.

(d) *Safeguards.*

Each handler making shipments of onions for dehydration, canning, freezing, extraction or pickling pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office may be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exemption.*

Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size and maturity requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(f) *Definitions.*

The terms "U. S. No. 1" and "U. S. No. 2" have the same meaning as defined in the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types), as amended (7 CFR 2851.2830–2851.2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195–2851.3209), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "braided red onions" means onions of red varieties with tops braided (interlaced). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

(g) *Applicability to imports.* Pursuant to § 8e of the act and § 980.117 *"Import regulations; onions"* (43 FR 5499); onions imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in the introductory paragraph and paragraph (a) of this section.

Dated: July 11, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-21199 Filed 7-15-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 967

Celery Grown in Florida; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would establish the quantity of Florida celery to be marketed fresh during the 1980–81 season, with the objective of assuring adequate supplies and orderly marketing.

DATE: Comments due July 31, 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, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Porter.

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

Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR 967 regulate the handling of celery grown in Florida. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Florida Celery Committee, established under the order, is responsible for local administration.

This notice is based upon the unanimous recommendations made by the committee at its public meeting in Orlando on June 11.

The committee recommended a Marketable Quantity of approximately 8.6 million crates of fresh celery for the 1980–81 season. This recommendation is based on the appraisal of the expected supply and prospective market demand.

The recommended Marketable Quantity is 10 percent more than the approximately 7.8 million crates expected to be marketed fresh during the current season ending July 31, 1980. Each producer registered pursuant to § 967.37(f) would have an allotment equal to 100 percent of his historical marketings. This recommendation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1979–80 total Base Quantities is authorized for new producers and for increases by existing producers, with 277,700 crates to be allotted to each category. One producer submitted an application for 30,000 crates additional Base Quantity for use during the upcoming season, and it was approved.

To maximize the benefits of orderly marketing the proposed regulation should become effective as early as possible in August, when the marketing year begins. Interested persons were given an opportunity to comment on the proposal at an open public meeting on June 11, where it was unanimously recommended by the committee. This proposal is similar to regulations in effect for past seasons. It is hereby determined that the period allowed for comments should be sufficient under these circumstances and will effecutate the declared policy of the act.

On the basis of all considerations it is further determined that this proposed regulation would tend to effectuate the declared policy of the act.

The proposal is as follows:

§ 967.316 Handling Regulation; Marketable Quantity; and Uniform Percentage for the 1980–81 Season beginning August 1, 1980.

(a) The Marketable Quantity established under § 967.36(a) is 8,601,309 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders, with 277,700 crates allotted to each category.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: July 11, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-21200 Filed 7-15-80; 8:45 am]

BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Executive Order No. 12044: Improving Government Regulations; Semi-Annual Agenda of Regulations

AGENCY: National Credit Union Administration.

ACTION: Publication of Semi-Annual Agenda of Regulations.

SUMMARY: Pursuant to Executive Order No. 12044: Improving Government Regulations, NCUA is publishing a list of regulations under consideration by NCUA as of June 30, 1980.

DATE: Effective June 30, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: (a) On the Executive Order or the Agenda, Robert Monheit, Senior Attorney/Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration at the above address. Telephone: (202) 357–1030. (b) On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: On March 23, 1978, Executive Order No. 12044 was issued, directing each executive agency to publish a report on procedures to improve government regulations. The Executive Order also directed each agency to publish, twice a year, a list of significant regulations being considered, along with a description of the regulation, its need and legal basis, its status, the name and telephone number of an agency official familiar with the regulation and whether a regulatory analysis is required for that regulation. On May 31, 1978, NCUA published its draft report for public comment (43 FR 23688); NCUA's final report was published on March 23, 1979 (44 FR 17954).

The first Semi-Annual Agenda was published on December 15, 1978 (43 FR 58654). Twelve regulations were listed as being under development (from the stage of preliminary review through the issuance of a final regulation). In addition, the first Agenda listed twenty existing regulations to be reviewed in the future, set forth a brief description of the aim of the review, and gave the name of an agency official to contact for further information.

The second Semi-Annual Agenda was published on July 2, 1979 (44 FR 38560). Nineteen regulations were listed as being under development. (Those regulations listed in the first Agenda as having been issued in final form were not listed in the second Agenda.) The list of existing regulations to be reviewed was divided into two categories. The first ("Regulations Reviewed") contained a list of nine regulations where substantial progress had been made in the review process (from preliminary review through the issuance of a final, revised, regulation). The second group ("Regulations to be Reviewed") listed eleven regulations yet to be reviewed.

The third Semi-Annual Agenda was published on December 19, 1979. Seventeen regulations were listed as being under development; four regulations were listed as being under active review; and eleven regulations were listed as to be reviewed in the future.

In this Agenda, the categories ("Regulations Under Development", "Regulations Reviewed", and "Regulations to be Reviewed") are continued. In addition, target dates have been established for the completion of a "preliminary review memo" (setting forth the need for the regulations and alternatives to be considered) for each regulation to be reviewed in the first three year cycle under NCUA's "Final Report". Those regulations listed in the third Agenda as having been issued in final have not been included.

Agenda: Regulations Under Development

1. a. **Part 711, Management Interlocks,** to regulate the practice of management officials of credit unions serving as management officials of other depository institutions.

b. *Need and Legal Basis:* "Depository Institutions Management Interlocks Act," Title II, Pub. L. 95–630.

c. *Status:* Amendments issued in final April 9, 1980 (45 FR 24384), effective May 9, 1980.

d. *For Further Information Contact:* Ross P. Kendall, Attorney-Advisor, Office of General Counsel, telephone: (20)2 357–1030.

2. a. **NCUA Restructuring,** to revise NCUA's internal procedures and NCUA regulations in light of the creation of a three person Board to manage the agency.

b. *Need and Legal Basis:* Title V, Pub. L. 95–630, and 5 U.S.C. 552b.

c. *Status:* Part 720, Subpart C—Public Observation of Board Meetings Under 5 U.S.C. 552b, issued in final March 19, 1980 (45 FR 17565), effective April 18, 1980; Part 722—Rules of Board Procedure, issued in final March 19, 1980 (45 FR 17568), effective April 18, 1980.

d. *For Further Information Contact:* Robert S. Monheit, Senior Attorney, and Beatrix D. Fields, Attorney-Advisor, Office of General Counsel, telephone: (202) 357–1030.

3. a.§ **701.21–6A Agency Relationship with Approved Mortgage Lender,** to permit Federal credit unions to act as agents for approved mortgage lenders.

b. *Need:* To provide mortgage loans to members of those Federal credit unions that are unable to otherwise provide such loans.

Legal Basis: 12 U.S.C. 1757(5)(A) and (15); 12 U.S.C. 1766.

c. *Status:* Proposed regulation issued August 30, 1979 (44 FR 50850); comment period closed November 7, 1979. Under review by staff.

d. *For Further Information Contact:* Robert M. Fenner, Assistant General Counsel or John L. Culhane, Jr., Attorney-Advisor, Office of General Counsel, telephone: (202) 357–1030.

4. a. **§ 701.1 Organizing a Federal Credit Union,** setting forth the requirements for chartering a Federal credit union.

b. *Need:* To review, update, and revise NCUA's chartering policies and practices.

Legal Basis: 12 U.S.C. 1753, 1754, 1758, 1759, 1766 and 1789.

c. *Status:* Proposed regulation issued July 26, 1979 (44 FR 43737); comment period closed October 1, 1979; final regulation issued Feb. 7, 1980 (45 FR 8280), effective March 8, 1980.

d. *For Further Information Contact:* Jon W. Lander, Chief, Chartering Section, Office of Examination and Insurance, telephone: (202) 357–1055.

5. a. **Part 708 Mergers of Credit Unions,** amendment relieving certain restrictions on the process of mergers of credit unions.

b. *Need:* To provide for a more democratic process by eliminating the requirement that at least 20% of the total membership participate in the merger vote; and to permit the NCUA Board to approve a merger as an alternative to liquidation due to insolvency, without membership approval.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Proposed regulation issued October 24, 1979 (44 FR 61189); comment period closed November 26, 1979. Final

regulation issued Dec. 12, 1979 (44 FR 71816), effective Dec. 12, 1979.

d. *For Further Information Contact:* James J. Engel, Assistant General Counsel, Office of General Counsel, telephone: (202) 357–1030.

6. a. **§ 725.7 Special Share Accounts of Agent Members,** allowing the agent members of the NCUA Central Liquidity Facility to require their natural person credit union members to maintain special share accounts to cover CLF stock subscription without substantially adversely affecting their other financial activities.

c. *Status:* Proposed rule issued Jan. 30, 1980, (45 FR 6795); comment period closed March 30, 1980. Final rule drafted, and approved by NCUA Board July 2, 1980.

d. *For Further Information Contact:* Mike Fischer, Chief Accountant, Office of Examination and Insurance, telephone: (202) 357–1055; or David L. Moore, Staff Attorney, Office of General Counsel, telephone: (202) 357–1030.

7. a. **§ 700.1 Definition of Risk Assets and Gross Income,** amendment excluding from the definition of "risk asset" any investment in the shares of the NCUA Central Liquidity Facility, and excluding from the definition of "gross income" dividends received on shares of the NCUA Central Liquidity Facility, and interest received on CLF loans up to the amount of interest paid by Agent members on loans from the facility.

b. *Need:* To relieve unnecessary restrictions and thereby reduce the reserve requirements of Agent members of the NCUA Central Liquidity Facility.

Legal Basis: 12 U.S.C. 1766, 1789, and 1795f (2).

c. *Status:* Proposed rule issued Jan. 30, 1980 (45 FR 6795); comment period closed March 30, 1980. Final rule drafted, and approved by NCUA Board July 2, 1980.

d. *For Further Information Contact:* Mike Fischer, Chief Accountant, Office of Examination and Insurance, telephone: (202) 357–1055; or David L. Moore, Staff Attorney, Office of General Counsel, telephone: (202) 357–1030.

8. a. **§§ 701.21–1, 701.21–3, and 701.21–6 Loan Interest Rate Amendments,** to establish procedures for Federal credit unions to increase loan rates to 15% APR, and to change existing regulations to reflect "finance charges" rather than "service charges."

b. *Need:* To implement amendments to the Federal Credit Union Act; to provide relief to Federal credit unions whose lending programs are restricted by present economic conditions; and to simplify by eliminating the need for calculating both service charges (for the Federal Credit Union Act) and finance charges (for the Truth In Lending Act).

Legal Basis: Pub. L. 96–221; 12 U.S.C. §§ 1766 and 1789.

c. *Status:* Proposed rule issued March 12, 1980 (45 FR 15939), comment period closed March 31, 1980. Final rule issued April 4, 1980 (45 FR 22888), effective March 31, 1980.

d. *For Further Information Contact:* Robert M. Fenner, Assistant General Counsel, Office of General Counsel, telephone: (202) 357–1030.

9. a. **§ 701.35(g) (2) and (3), 12% Ceiling on Variable Rate Share Certificates,** limiting the rate of return on share certificates.

b. *Need:* To protect the financial stability of Federal credit unions during a period of very high interest rates and to permit an orderly adjustment of credit union portfolios to this new higher rate environment.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Final rule issued Feb. 29, 1980 (45 FR 13437), effective Feb. 28, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

10. a. **§ 701.35(g) (2), (3), and (5), Ceilings for Share Certificates Based On 2½ Year U.S. Treasury Securities and 26 Week U.S. Treasury Bills.**

b. *Need:* To adjust dividend rate ceilings permitting Federal credit unions to pay a competitive market rate of return on share certificates.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Final rule issued June 10, 1980 (45 FR 39241), effective June 2, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

11. a. **§ 701.35(c)(3)(ii), Payment of Dividends on Renewed Share Certificates,** permitting the withdrawal without penalty of dividends earned during the previous qualifying period.

b. *Need:* To permit greater flexibility in designing certificate account programs, to benefit consumers, and to avoid placing Federal credit unions at a competitive disadvantage with financial institutions subject to a similar rule issued by the Depository Institutions Deregulation Committee.

Legal Basis: 12 U.S.C. 1757, 1766, and 1789.

c. *Status:* Final rule issued May 23, 1980 (45 FR 34870), effective May 21, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

12. a. **§ 701.35(c)(2)(ii), Grace Periods on 26 Week, $10,000 Minimum Share Certificates,** permitting the payment of dividends up to seven days after maturity.

b. *Need:* To permit Federal credit unions to use grace periods on this type of account.

Legal Basis: 12 U.S.C. 1757, 1766, and 1789.

c. *Status:* Final rule issued May 23, 1980 (45 FR 34869), effective May 21, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

13. a. **§ 701.35(c)(2)(ii), Grace Periods for All Share Certificates,** limiting grace periods uniformly to seven days after maturity.

b. *Need:* To establish uniformity and to facilitate equitable administration of rate regulations for all financial institutions.

Legal Basis: 12 U.S.C. 1757, 1766, and 1789.

c. *Status:* Proposed rule issued June 10, 1980 (45 FR 39279), comment period closes July 23, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

14. a. **Part 745, Clarification and Definition of Account Insurance Coverage,** increasing the amount of insurance from $40,000 to $100,000 per person.

b. *Need:* To protect savers, promote the financial stability of federally insured credit unions, and to implement recent amendments to the Federal Credit Union Act.

Legal Basis: **§ 308(c) of Pub. L. 96–221; 12 U.S.C. 1766 and 1789.**

c. *Status:* Final rule issued May 28, 1980 (45 FR 35802), effective March 31, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, or Frederick S. Lipton, Staff Attorney, Office of General Counsel, telephone: (202) 357–1030.

15. a. **§ 701.38, Borrowed Funds From Natural Persons,** amendment repealing limitation on borrowing from natural persons who are not members of the Federal credit union.

b. *Need:* To comply with the court order ruling that NCUA could regulate Federal credit union borrowing but could not limit the source of borrowed funds.

Legal Basis: 12 U.S.C. 1757, 1766, and 1789.

c. *Status:* Final rule issued May 2, 1980 (45 FR 29270), effective May 2, 1980.

d. *For Further Information Contact:* James J. Engel, Assistant General Counsel, Office of General Counsel, Telphone: (202) 357–1030.

16. a. **Part 705, Community Development Credit Union Program,** setting forth the purpose and requirements of a special program to provide technical and financial assistance to selected credit unions enabling them to deliver improved services to, and aid in, the revitalization and economic development of their communities.

b. *Need:* To implement a revolving capitalization fund and to provide training and technical assistance to make the selected credit unions a growing force for community betterment.

Legal Basis: 12 U.S.C. 1745, 1758, 1759, and 1766(f); Section 161(g), Pub. L. 96–123, 42 U.S.C. 2981 and 2985(e).

c. *Status:* Final rule issued March 10, 1980 (45 FR 15171); applications received through June 6, 1980.

d. *For Further Information Contact:* Wilmer Theard, Director, Division of Communicty Development, Office of Examination and Insurance, telephone: (202) 357–1065.

17. a. **§§ 701.37–1 and 701.37–2, Federal Credit Unions Acting as Depositories and Financial Agents of the Government,** setting forth the authority of Federal credit unions to maintain certain accounts specified by the U.S. Treasury.

b. *Need:* To clarify the authority of Federal credit unions.

Legal Basis: 12 U.S.C. 1757(15), 1766, 1767, 1787(c)(2), 1789, and 1798.

c. *Status:* Final rule issued June 23, 1980 (45 FR 41903), effective June 11, 1980.

d. *For Further Information Contact:* Layne L. Bumgardner, Chief, Credit Union Operations Section, Office of Examination and Insurance, telephone: (202) 357–1065.

18. a. **§ 701.21–1(d), Deregulation of Loan Interest Rate Classifications,** to permit Federal credit unions to vary rates of interest on loans according to reasonable classifications established by their boards of directors.

b. *Need:* To permit greater flexibility in establishing loan interest rates so as to reduce costs and increase the ability of the board of directors to manage the credit union's loan portfolio.

Legal Basis: 12 U.S.C. 1757, 1766, and 1789.

c. *Status:* Proposed rule issued April 17, 1980 (45 FR 26073); comment period closed June 16, 1980.

d. *For Further Information Contact:* Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065.

19. a. *Premiums, Finders Fees and the Payment of Dividends in Merchandise,* advance notice of proposed rulemaking soliciting comments on proposals to prohibit or limit the use of the practices by Federal credit unions.

b. *Need:* To prohibit practices which may result in returns on savings in excess of rate limitations; to enable consumers to better compare rate of return on savings; and to determine whether NCUA should adopt a rule proposed by the Depository Institutions Deregulation Committee.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Advance notice of proposed rulemaking issues May 27, 1980 (45 FR 35346); comment period extended to July 16, 1980 (45 FR 41438).

d. *For Further Information Contact:* James J. Engel, Assistant General Counsel, or Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

20. a. §§ 701.34 and 701.35, Share, Share Draft, and Share Certificate Accounts; Part 761, Share Draft Programs for Federally Insured State Chartered Credit Unions, setting forth the requirements for the establishment and maintenance of share draft accounts.

b. *Need:* To relieve unnecessary requirements and to update essential requirements for the operation of share draft programs.

Legal Basis: 12 U.S.C. 1766, 1785, and 1789.

c. *Status:* Proposed rule drafted, to be presented to NCUA Board on July 10, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030, or Layne Bumgardner, Office of Examination and Insurance, telephone: (202) 357–1065.

21. a. *Delinquent Consumer Installment Loan Classification Policy,* advance notice of proposed rulemaking concerning whether NCUA should adopt a policy (for classifying delinquent loans as losses) that is uniform with the policies of the other Federal financial institution regulatory agencies, or adopt a different set of standards.

b. *Need:* To clearly define the policy to be used by NCUA in determining whether certain delinquent loans should be considered to be losses.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Advance notice of proposed rulemaking issued March 28, 1980 (45 FR 20497), comment period closed May 30, 1980.

d. *For Further Information Contact:* Thomas A. Straslicka, Chief, Examination Section, Office of Examination and Insurance, telephone: (202) 357–1065.

22. a. § *701.35(d)(2), Withdrawals From Share Certificate Accounts,* providing a minimum required penalty for withdrawals prior to maturity.

b. *Need:* To simplify existing rule on early withdrawals, to promote stability in Federal credit unions by deterring early withdrawals, and to establish uniform rules for financial institutions.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Proposed rule issued June 25, 1980 (45 FR 42628); comment period closes August 18, 1980.

d. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone (202) 357–1030.

Review of Regulations

The following is a list of regulations to be reviewed in the future. The purpose of the review will be to update, clarify, and simplify existing regulations, and to eliminate redundant and unnecessary provisions. These regulations are divided into two groups. The first grouping contains those regulations in which substantial progress has been made (since the last publication of the Agenda) and includes a statement concerning the status of the review. The second grouping contains those regulations yet to be reviewed. As a new feature for this Semi-Annual Agenda, each regulation listed in the second grouping contains a target date for the submission of a "preliminary review memo" by the staff to the NCUA Board. This memo will set forth the need for the regulation, any needed changes, and the alternatives to be considered.

A. Regulations Reviewed

1. a. § *701.1 Organizing a Federal Credit Union,* review to update and revise NCUA's chartering policies and practices.

b. *Status:* Final regulation issued, see: Regulations Under Development, No. 4 (above).

c. *For Further Information Contact:* Jon W. Lander, Office of Examination and Insurance, telephone: (202) 357–1055.

2. a. § *701.21–1(d), Loan Interest Rate Classification,* review to deregulate and to permit Federal credit unions to establish their own classifications.

b. *Status:* Proposed regulation issued, see: Regulations Under Development, No. 18 (above).

c. *For Further Information Contact:* Thomas C. Buckman, Office of Examination and Insurance, telephone: (202) 357–1065.

3. a. § *701.34, Share Drafts,* review to relieve unnecessary requirements and update essential requirements.

b. *Status:* Proposed amendments drafted, see: Regulations Under Development, No. 20 (above).

c. *For Further Information Contact:* Todd A. Okun, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030, or Layne Bumgardner, Chief, Credit Union Operations Section, Office of Examination and Insurance, telephone: (202) 357–1065.

B. Regulations to Be Reviewed.

1. a. § **700.1, Definitions,** review to update and clarify.

b. *Target Date:* September 30, 1981.

c. *For Further Information contact;* Layne Bumgardner, Office of Examination and Insurance, telephone: (202) 357–1065.

2. a. §§ **701.2 and 701.14, Incorporated by Reference,** to complete review of these sections by reviewing the status of the "Accounting Manual" and the Federal Credit Union Bylaws.

b. *Target Date:* December 31, 1980.

c. *For Further Information Contact:* On the "Accounting Manual", Mike Fischer, Office of Examination and Insurance, telephone: (202) 357–1065; on the "Bylaws", Jon Lander, Office of Examination and Insurance, telephone: (202) 357–1060.

3. a. §§ **701.3 and 701.4, Standard form of Bylaws and Amendment of Bylaws,** review to determine whether the regulations on this subject are necessary.

b. *Target Date:* September 30, 1981.

c. *For Further Information Contact:* Jon Lander, Office of Examination and Insurance, telephone: (202) 357–1060.

4. a. §§ **701.5, Other Applications, and § 701.18, Petitions,** review to consolidate with other administrative rules.

b. *Target Date:* March 31, 1981.

c. *For Further Information Contact:* Robert S. Monheit, Office of General Counsel, telephone: (202) 357–1030.

5. a. §§ **701.11, and 701.13, Election Report, and Financial and Statistical and Other Reports,** review to determine whether the regulation is necessary to require submission of needed reports.

b. *Target Date:* March 31, 1981.

c. *For Further Information Contact:* On the election report, Thomas Straslicka, and on the financial and statistical report, Mike Fischer, Office of Examination and Insurance, telephone: (202) 357–1065.

6. a. §§ **701.12, Supervisory Committee Audit,** review to determine whether the regulation on this subject is necessary or whether the subject might be covered in a manual.

b. *Target Date:* June 30, 1981.

c. *For Further Information Contact:* Michael Fischer, Office Examination and Insurance, telephone: (202) 357–1065.

7. a. § **701.19, Retirement Benefits for Employees of Federal Credit Unions,** review to update and revise if necessary.

b. *Target Date:* September 30, 1981.

c. *For Further Information Contact:* Layne Bumgardner, Office of Examination and Insurance, telephone: (202) 357–1065.

8. a. §§ **701.20, Surety Bond and Insurance coverage,** review to update and revise if necessary.

b. *Target Date:* December 31, 1980.

c. *For Further Information Contact:* Thomas Straslicka, Office of Examination and Insurance, telephone: (202) 357–1065.

9. a. §§ **701.21–1 through 701.21–6, Lending Regulations,** review to update, simplify, and revise if necessary.

b. *Target Date:* July 31, 1981.

c. *For Further Information Contact:* Thomas Buckman, Office of Examination and Insurance, telephone: (202) 357–1065, or John L. Culhane, Jr., Office of General Counsel, telephone: (202) 357–1030.

10. a. § **701.21–7, Loan Participations,** review to update and revise if necessary.

b. *Target Date:* July 31, 1981.

c. *For Further Information Contact:* Thomas Buckman, Office of Examination and Insurance, telephone: (202) 357–1065.

11. a. §§ **701.22 and 701.23, Selling and Cashing Checks and Money Orders,** review to determine whether the regulations are necessary or whether the subject may be covered in a manual.

b. *Target Date:* September 30, 1980.

c. *For Further Information Contact:* Layne Bumgardner, Office of Examination and Insurance, telephone: (202) 357–1065.

12. a. § **701.26, Credit Union Service Center,** review to update and revise if necessary.

b. *Target Date:* November 30, 1980.

c. *For Further Information Contact:* Layne Bumgardner, Office of Examination and Insurance, telephone: (202) 357–1065.

13. a. § **701.27–1, Purchase and Sale of Accounting Services,** review to update and revise if necessary.

b. *Target Date:* November 30, 1980.

c. *For Further Information Contact:* Layne Bumgardner, Office of Examination and Insurance, telephone: (202) 357–1065.

14. a. § **701.28, Joint Operations,** review to update and revise if necessary.

b. *Target Date:* November 30, 1980.

c. *For Further Information Contact:* Layne Bumgardner, Office of Examination and Insurance, telephone: (202) 357–1065.

15. a. § **701.32, Payment on Shares By Public Units,** review to update and revise, and to determine whether subject may be covered in a manual rather than a regulation.

b. *Target Date:* August 31, 1981.

c. *For Further Information Contact:* Thomas Buckman, Office of Examination and Insurance, telephone: (202) 357–1065.

16. a. § **701.35, Compensation of Officials,** review to update and revise if necessary.

b. *Target Date:* March 1, 1982.

c. *For Further Information Contact:* Todd Okun, Office of General Counsel, telephone: (20) 357–1030.

17. a. § **701.36, Federal Credit Union Ownership of Fixed Assets,** review to update and revise if necessary

b. *Target Date:* October 30, 1981.

c. *For Further Information Contact:* Thomas Buckman, Office of Examination and Insurance, telephone (202) 357–1065.

18. a. **Part 702, Reserves,** review to update and revise if necessary.

b. *Target Date:* June 30, 1981.

c. *For Further Information Contact:* Randy Miller, Office of Policy Analysis, telephone: (202) 357–1090.

19. a. **Part 703, Investments and Deposits,** review to update and revise if necessary.

b. *Target Date:* November 30, 1980.

c. *For Further Information Contact:* Robert Schafer, Office of Examination and Insurance, telephone: (202) 357–1065.

20. a. **Parts 706 and 707, Conversion from Federal to State Credit Union,** and Conversion from State to Federal Credit Union, review to determine whether the regulations on this subject are necessary or whether the subject may be covered in a manual.

b. *Target Date:* March 30, 1981.

c. *For Further Information Contact:* Jon Lander, Office of Examination and Insurance, telephone: (202) 357–1060.

21. a. **Parts 708 and 709, Mergers of Credit Unions, Division of Assets, Liabilities, and Capital,** review to determine whether regulations on these subjects are necessary or whether they may be covered in a manual.

b. *Target Date:* November 30, 1980.

c. *For Further Information Contact:* Jon Lander, Office of Examination and Insurance, telephone: (202) 357–1060.

22. a. **Part 720, Description of Office, Disclosure of Official Records, Availability of Information, and Promulgation of Regulations,** review to update, simplify and revise if necessary.

b. *Target Date:* March 30, 1981.
c. *For Further Information Contact:* Robert Monheit, Office of General Counsel, telephone: (202) 357–1030.

23. a. **Part 721, Incidental Powers,** review to update and revise if necessary.
b. *Target Date:* December 31, 1980.
c. *For Further Information Contact:* Harry Blaisdell, Office of Consumer Affairs, telephone: (202) 357–1080.

24. a. **Part 735, Employee Responsibility and Conduct,** review to update and revise.
b. *Target Date:* September 30, 1980.
c. *For Further Information Contact:* James J. Engel, Office of General Counsel, telephone: (202) 357–1030.

25. a. **Part 740 Advertisement of Insured Status,** review to update, simplify and revise if necessary.
b. *Target Date:* October 30, 1980.
c. *For Further Information Contact:* William Berens, Office of Examination and Insurance, telephone: (202) 357–1060.

26. a. **Part 741, Requirements for Insurance,** review to update and revise if necessary.
b. *Target Date:* September 30, 1980.
c. *For Further Information Contact:* William Berens, Office of Examination and Insurance, telephone: (202) 357–1060.

27. a. **Part 745, Clarification and Definition of Account Insurance Coverage,** review to update, simplify and revise if necessary.
b. *Target Date:* January 30, 1982.
c. *For Further Information Contact:* James J. Engel, Office of General Counsel, telephone: (202) 357–1030.

28. a. **Part 746, Rebate Procedures for Federally Insured Credit Unions,** review to update and revise if necessary.
b. *Target Date:* November 30, 1980.
c. *For Further Information Contact:* Phillip J. Daniels, Office of the Comptroller, telephone: (202) 357–1025.

29. a. **Part 748, Minimum Security Devices and Procedures; § 701.30 Safe Deposit Box Service,** review to consolidate, update and simplify.
b. *Target Date:* September 30, 1981.
c. *For Further Information Contact:* Thomas Straslicka, Office of Examination and Insurance, telephone: (202) 357–1065.

30. a. **Part 749, Records Preservation Program,** review to update and revise if necessary.
b. *Target Date:* November 30, 1980.
c. *For Further Information Contact:* Thomas Straslicka, Office of Examination and Insurance, telephone: (202) 357–1065.

31. a. **Part 750—Tort Claims Against the Government,** review to update, simplify and revise if necessary.
b. *Target Date:* December 31, 1980.
c. *For Further Information Contact:* Jay C. Keithley, Office of General Counsel, telephone: (202) 357–1030.

32. a. **Part 760, Flood Insurance,** review to update and revise if necessary.
b. *Target Date:* December 31, 1980.
c. *For Further Information Contact:* John L. Culhane, Jr., Office of General Counsel, telephone: (202) 357–1030.

Rosemary Brady,
Secretary, National Credit Union Administration Board.
July 10, 1980.

[FR Doc. 80–21116 Filed 7–15–80; 8:45 am]
BILLING CODE 7535–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 315

[Procedural Regulations Docket: 37970, PDR–71; Dated: July 11, 1980]

Information Submitted in Section 408 Applications

AGENCY: Civil Aeronautics Board.

ACTION: Requests for comments on interim rule.

SUMMARY: By an interim rule, adopted April 2, 1980, the CAB set forth the information that must be submitted with a merger application. In this proceeding, the CAB invites comments on the rule adopted, with a view to issuing a revised rule later if necessary.

DATES: Comments by: September 15, 1980.

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

Requests to be put on the Service List by: July 28, 1980

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

ADDRESSES: Twenty copies of comments should be sent to Docket 37970, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David E. Schaffer, Attorney-Advisor, Office of the General Counsel, Civil Aeronatics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: By PR–221, 45 FR 23646, April 8, 1980, the Board adopted an interim rule governing the information that must be submitted in certain applications under section 408 of the Act. The rule applies to any proposed consolidation or acquisition of control that is not exempt from section 408, and that directly or indirectly involves either two U.S. air carriers or a U.S. air carrier and a foreign air carrier.

As explained in PR–22, the short time (6 months) now allowed the Board for deciding merger cases required that most of the necessary information be submitted with the initial section 408 application rather than weeks later in response to evidence requests, as was previously the practice. The interim rule was made immediately effective so that a merger applicant would not be able to submit an application without the required information while the rulemaking was pending and thereby undercut our efforts to comply with the 6-month deadline.

Although the rule continues in effect, we consider it important to obtain the views of the industry and the public concerning the appropriate information to require in section 408 applications. We are therefore instituting this rulemaking proceeding. If the comments warrant, we will amend the current rule or issue a new one.

Commenters are of course welcome to express their views on any aspect of the rule. The Board, however, is particularly interested in views on five areas:

(1) The burden of complying with the information requirements of the present rule;

(2) The need for requiring additional information;

(3) The best procedure for handling incomplete applications;

(4) Whether only a description or the documents that formed the basis for that description should be required by §§ 315.12 and 315.14; and

(5) Whether documents that are required should include only those submitted to top officials of the carrier, or also those submitted to others lower in the corporate hierarchy. A more complete discussion of issues concerning this rule is contained in PR–221, 45 FR 23646, April 8, 1980.

Accordingly, the Board requests comments on the following:

PART 315—INFORMATION SUBMITTED IN SECTION 408 APPLICATIONS

Subpart A—General Provisions

Sec.
315.1 Purpose and applicability.
315.2 Definitions.

Sec.

315.3 Filing of applications.
315.4 Confidentiality.
315.5 Copies to interested persons.
315.6 Conformity with Subpart A of Part 302.
315.7 Exemptions.

Subpart B—Information Requirements

315.10 Background information.
315.11 Financial information.
315.12 Equipment information.
315.13 Competitive information.
315.14 Availability of resources.
315.15 Potential public benefits of the proposed transaction.
315.16 Potential adverse impact of the proposed transaction.
315.17 Labor relations.
315.18 Fuel consumption.

Authority: Secs. 204, 407, 408, and 1010 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 767, 92 Stat. 1743, 49 U.S.C. 1324, 1377, 1378, 1490.

Subpart A—General Provisions

§ 315.1 Purpose and applicability.

This rule sets forth the form and content of applications that must be submitted to the Board under section 408(b)(1) of the Act. It applies to any proposed consolidation or acquisition of control that is not exempt from section 408 and that directly or indirectly involves either two air carriers or an air carrier and a foreign air carrier, including transactions involving persons in control of such carriers.

§ 315.2 Definition.

As used in this part, "documents" means (1) all written, recorded, transcribed or graphic matter including letters, telegrams, memoranda, reports, studies, forecasts, lists, directives, tabulations, logs, or minutes and records of meetings, conferences, telephone or other conversation or communications; and (2) all information contained in data processing equipment or materials. The term does not include daily or weekly statistical reports in whose place an annual or monthly summary is submitted.

§ 315.3 Filing of applications.

(a) Each person required to file an application under Section 408(b)(1) of the Act for Board approval of transactions described in § 315.1 shall file 20 copies of a complete application as required by Subpart B of this part in the Board's Docket Section.

(b) For each consensual transaction covered by this part, all the information required by Subpart B of this part shall be submitted as part of the application, for each party to the section 408 transaction. The parties to the section 408 transaction may file either separate applications or one joint application.

(c) For each non-consensual transaction covered by this part, the applicant shall also provide the information required by Subpart B of this part for its target company to the extent that such information is available to it. The Board may order the target company or other persons to submit some or all of the information required by Subpart B, or other information.

(d) The application shall be indexed to correspond to the individual sections of Subpart B of this part. Each page of the application and each document submitted with the application shall be marked with the name, initials, or some other identifying symbol of the applicant. The application shall also indicate the date of preparation and the name and corporate position of the preparer and recipient of each document submitted.

(e) Where the required information is in data processing equipment, on microfilm or is otherwise not eye-readable, the applicant shall provide such information in eye-readable form.

(f) Evidence that applicants wish that Board to consider in addition to that required by Subpart B of this part shall also be filed with the application. This evidence shall include all exhibits, data, and testimony on which the applicant intends to base its direct case and the names and addresses of all witnesses whom it will seek to call in the event that an oral evidentiary hearing is held. An applicant is not precluded from later filing answers, replies, or rebuttal exhibits or testimony.

(g) Within 10 days after a section 408 application is filed, any interested person may file a motion with the Board asking that the application be dismissed on the grounds that it is incomplete. An application is incomplete if it is not in substantial compliance with Subpart B of this part.

(h) If an application is found to be incomplete, the Board may dismiss it without prejudice to refiling. If the application is dismissed, the statutory time period will not begin until a completed application is filed.

(i) After the 10-day period provided in § 315.3(g) has elapsed or after the Board has disposed of all motions filed during that period seeking dismissal of the application on the grounds of incompleteness, the application will not later be dismissed unless there is a finding that there is an omission so substantial that the Board cannot reasonably act on it or do so within the Statutory time period.

(j) The information provided by the applicant shall be updated in a timely fashion throughout the period of consideration of the application.

(k) If any information or documents required by Subpart B of this part are not available, the applicants shall file an affidavit executed by the individual responsible for the search explaining why they cannot be producted.

(l) The Board or the Administrative Law Judge may order the applicant(s) to submit information in addition to that required by Subpart B of this part.

(m) An applicant may withhold a document required by this part on the grounds that it is privileged, but each document so withheld shall be identified and a brief description of the nature of the document, a statement indicating the basis of the privilege claimed, and the names of the preparers and recipients of the document shall be supplied. If any interested party contests the assertion of privilege, the document shall be promptly submitted to the Board or the Administrative Law Judge for *in camera* inspection.

§ 315.4 Confidentiality.

(a) An applicant may request that any part of its section 408 application be withheld from the public by filing a motion for confidentiality under § 302.39(d) of this chapter. In cases assigned to an Administrative Law Judge, that Judge will rule on motions for confidential treatment.

(b) No person shall have access to the confidential information except (1) attorneys of record and their experts who file afffidavits promising not to disclose the information and to use it only in connection with the section 408 proceeding to which the information is directed, and (2) Board personnel. Inspection of confidential documents may begin as soon as the affidavits are filed.

(c) That portion of a section 408 application for which confidential treatment has been requested shall be considered received for purposes of filing only. It shall not be part of the public record or an in camera record of the case until it has been admitted into evidence.

§ 315.5 Copies to interested persons.

(a) A copy of the complete application shall be filed with the Department of Justice and the Department of Transportation at the same time it is filed with the Board.

(b) Upon request, the complete application shall be promptly made available to any person who has petitioned to intervene under § 302.14 or § 302.15 of this chapter. The applicant shall have copies of the complete application for distribution and shall, if requested, be responsible for

expeditiously providing the application to any requesting party.

§ 315.6 Conformity with Subpart A of Part 302.

Except where they are inconsistent, the provisions of Subpart A of Part 302 of this chapter shall apply to this part.

§ 315.7 Exemptions.

Any person may petition the Board to exempt any transaction from all or part of the requirements of this part.

Subpart B—Information Requirements

§ 315.10 Background information.

The application shall contain the following information:

(a) The names and mailing addresses of the parties to the transaction and the names, titles, and duties of the officers and directors of each corporation;

(b) A description of the transaction, including the exchange ratio, the terms of any tender offer, and the form of financing;

(c) A copy of the final or most recent draft agreement between the parties relating to the transaction;

(d) The percentage of the outstanding voting securities of either corporation that is owned or controlled by the other corporation or by its officers or directors. The application shall also set forth the consideration paid for these securities, the date and method of their purchase, and the form of payment;

(e) A list of all offices and directorships held in any other corporation which is a common carrier or is substantially engaged in the business of aeronautics by officers or directors of any party to the transaction;

(f) A list of all other financial relationships between the parties to the transaction, or between their officers, directors or major shareholders;

(g) All studies, reports and analyses regarding the proposed transaction or the other party to the transation made by or for an applicant within 3 years preceding the application. These materials shall include, but not be limited to, any discussion of the proposed transaction or other party to the proposed transaction with respect to—

(1) Competition, markets, market shares, actual competitors, or potential entrants;

(2) Potential for sales growth or expansion into new markets;

(3) Efficiencies or costs of the proposed transaction; or

(4) The financial condition or operating strengths or weaknesses of the proposed partner or target company.

§ 315.11 Financial information.

The application shall contain the following:

(a) The following reports filed with the United States Securities and Exchange Commission within three years prior to the date of the application:

(1) All reports filed on Form 10K;

(2) All registration statements and all reports filed on Forms 10–Q and 8–K;

(3) All proxy statements; and

(4) All schedules 14 D–1 with all amendments.

(b) Annual reports to shareholders for the 3 years preceding the application;

§ 315.12 Equipment information.

The application shall include the following—

(a) A list of aircraft owned or leased by the applicant by aircraft type and age;

(b) If the aircraft is leased from others, the owner of the aircraft and the terms of the lease; if the applicant leases aircraft to others, the lessee and the terms of the lease;

(c) A detailed description of all plans and orders for the acquisition, lease or major modifications of flight equipment, including the price and projected delivery date of any aircraft; and

(d) A detailed description of all plans and agreements for the sale or lease of aircraft.

§ 315.13 Competitive information.

The application shall contain the following:

(a) Separate lists of all non-stop city-pairs (1) that are served by the applicant, (2) that are served by the other party to the proposed transaction, and (3) into which the applicant or the other party to the proposed transaction is considering entry;

(b) All studies, reports, and analyses that were submitted to the applicant's chief executive, financial, marketing, or operating officer, its Board of Directors, its executive committee, or any financial institution, within 2 years prior to the filing of the application, that discuss route development, internal expansion, service expansion or the marketing plans or strategies of the applicant;

(c) All documents prepared by or for the company within 2 years prior to the filing of the application that discuss any of the following subjects in relation to any area served by both parties (whether the area discussed in the document is one or more cities, city-pairs, routes, hubs, regions, states, tiers, service to foreign points or any other geographical area):

(1) Competition;

(2) The possibility of new entry;

(3) Profitability or yield;

(4) Fare levels or availability of discount fares;

(5) Capacity or scheduling;

(6) Load factors or break-even levels;

(7) Identity of potential entrants; or

(8) Possible responses to new entry or to changes in a competitor's fares, scheduling, capacity or number of discount seats offered.

(d) All documents prepared by or for the company within 2 years prior to the filing of the application that discuss any of the topics listed in § 315.13(c) in relation to any area served by the other party to the proposed transaction (whether the area discussed in the document is one or more cities, city-pairs, routes, hubs, regions, states, tiers, service to foreign points or any other geographical area).

(e) All documents prepared by or for the company within 2 years prior to the filing of the application that discuss the effect of changes in conditions in any area served by one party to the proposed transaction on traffic, fares, profitability or availability of discount fares in any area served by the other party.

§ 315.14 Availability of resources.

For each airport served by both parties to the proposed transaction, the applicant(s) shall supply a detailed description of the following:

(a) The availability of fuel and the policy of fuel suppliers as to the supply and price of fuel to new entrants;

(b) The availability of landing slots at any of the airports that have access allocated by the FAA;

(c) The environmental constraints on each airport that limit or regulate additional service, whether of new entrants to the airport or of expanded service by incumbents. The report on environmental constraints shall include a description of any regulation that affects airport use, including but not limited to noise, air, and surface pollution;

(d) Airport constraints as to the size or type of aircraft that can be operated at that airport, including, but not limited to, such considerations as runway length, availability of ramp space, and safety considerations; and

(e) Any constraints with respect to terminal facilities, including but not limited to counter or ticketing space, gate space, baggage or cargo consolidation space, and ramp space.

§ 315.15 Potential public benefits of the proposed transaction.

(a) If the applicant intends to rely on public benefits to justify approval of its proposed transaction, the applicant shall

describe those benefits in detail and include all documents submitted to its chief executive, financial, marketing, or operating officer, its Board of Directors, its executive committee, or any financial institution, that discuss the following subjects:

(1) Any decrease in operating costs or increase in operating efficiencies. This should include an estimate of when the savings will be realized;

(2) Service benefits and proposed changes in price/quality options;

(3) Any enhancement of competition and the regions where that enhancement will occur; or

(4) Any changes in employment opportunities.

(b) The applicant shall provide all data, and set forth the method of calculation, upon which its claims of benefits rely. Any categories of cost savings provided shall be consistent with the financial data filed in CAB Form 41.

(c) In describing the public benefits, the applicant shall distinguish between a one-time cost saving or benefit resulting from the transaction and continuing operational efficiencies or benefits.

§ 315.16 Potential adverse impact of the proposed transaction.

The application shall include all documents that were submitted to the applicant's chief executive, financial, marketing, or operating officer, its Board of Directors, its executive committee, or any financial institution, that discuss the following in relation to the proposed transaction:

(a) Any increase in the operating costs of the applicant with an estimate of when the increased cost will be incurred:

(b) Any decrease in the quantity or quality of air service;

(c) Any lessening of competition as a result of the proposed merger; and

(d) Any costs that would result from labor protective provisions that are necessary to complete the transaction.

§ 315.17 Labor relations.

Applicants shall provide the following information:

(a) Whether the surviving carrier will accept the Board's standard labor protective provisions as a condition of Board approval of the transaction;

(b) The number of employees, by each class or craft, employed by each party to the transaction, and the number of employees by class or craft in their employ but on furlough. With respect to those employees on furlough, they shall indicate the reasons for such furlough. They should also indicate the order of recall (and the basis thereof) of these employees;

(c) Whether any plans exist for the dismissal, displacement, transfer, reduction of flying time or furlough of any employees in any class or craft as a result of operating changes which would flow from the proposed merger. If so, applicants shall list for each such class or craft the number of employees affected, the type of action (*e.g.*, dismissal, transfer, furlough, etc.) anticipated, and the manner in which the plans would be implemented;

(d) The domiciles for their flight personnel. With respect to each domicile, they shall state the number of flight personnel based there, according to class or craft;

(e) Their position with respect to the survivability of existing collective bargaining agreements when the merger becomes effective;

(f) Copies of the collective bargaining agreements they have with the different classes of employees; and

(g) A copy of each pension plan covering their employees and copies of all reports concerning such plans filed by the companies with government agencies pursuant to the Employee Retirement Income Security Act.

§ 315.18 Fuel consumption.

(a) The applicant shall estimate the amount of fuel that would be consumed by—

(1) The consolidated or commonly controlled entities during the next calendar year following the approval; and

(2) Each carrier individually during the next calendar year following disapproval.

(b) With both estimates in paragraph (a), the applicant shall include a statement as to the availability of the required fuel.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-21196 Filed 7-15-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Decision on Two Petitions Requesting Monitoring of Exports of Ferrous Scrap

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of decision of the Department.

SUMMARY: As previously announced in the **Federal Register**, the Department of Commerce (Department) has accepted for review two written petitions requesting the monitoring of exports of ferrous scrap. Following public hearings and opportunity for public comment on these petitions, the Department has decided not to institute a formal export monitoring program for ferrous scrap.

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, (202) 377-3984.

SUPPLEMENTARY INFORMATION: On October 1, 1979, the Export Administration Act of 1969, as amended, was superseded by a new law, the Export Administration Act of 1979. Section 7(c) of the new Act provides that any entity representing an industry which processes metallic materials capable of being recycled may transmit a written petition to the Secretary requesting the monitoring of exports, or the imposition of export controls, or both. Section 7(c) further provides for a public comment period, and public hearings on the petition, if requested. It also requires determinations on petitions to be made by the Secretary or his designate according to a prescribed timetable. By rule published in the **Federal Register** on January 4, 1980 (45 FR 1007), the Department issued regulations implementing Section 7(c).

On March 26, 1980, the Department received a petition requesting the monitoring of exports of ferrous scrap submitted by the Ferrous Scrap Consumers Coalition, Suite 308, 1055 Thomas Jefferson Street, NW, Washington, DC 20007. The petition identified ten commodities by Schedule B numbers for which the petition requested the monitoring of exports. The petition also requested that public hearings be held. The Department's announcement of receipt of the petition, the dates and locations of public hearings on the petition, and the invitation for public comment were published in the **Federal Register** of April 11, 1980 (45 FR 25034). The Department also extended the scope of the proceeding to include certain other commodities that can be used as ferrous scrap. Each of those additional commodities, as well as the ten commodities identified in the petition, was listed by Schedule B number and description in the **Federal Register** notice. The Department requested interested persons to submit written comments, views, or data concerning the

need for export monitoring or export controls on the commodities identified in the **Federal Register** notice, the extent to which market developments have met the criteria set forth in Sections 3(2)(C) and/or 7(b)(1) of the Export Administration Act of 1979, the desirability of imposing export monitoring or export controls at this time on one or more commodities under consideration, and any other matters relevant to the subject of the proceeding. In accordance with the provisions of Section 7(c), the public comment period closed May 27, 1980.

On April 10, 1980, the Department received a petition from the Labor-Management Committee for Fair Foreign Competition, 44–461 San Pascual Street, P.O. Box 486, Palm Desert, California 92260. That petition requested the same action with respect to the same ten commodities as the petition filed by the Ferrous Scrap Consumer's Coalition. In accordance with Section 7(c) of the Export Administration Act of 1979 and Section 377.8 of the Regulations (15 CFR 377.8), the Department accepted the second petition and consolidated the two proceedings by notice published in the **Federal Register** of April 25, 1980 (45 FR 27948).

Public hearings on the two petitions were held in Washington, DC, on April 28–29, 1980; New Orleans, Louisiana on May 1–2, 1980; Chicago, Illinois on May 12–13, 1980; and San Francisco, California on May 15–16, 1980. In addition, a number of public comments on the petitions were submitted to the Department for consideration prior to the close of the public comment period on May 27, 1980.

Public Testimony and Comments

The Department heard testimony from 48 witnesses and received written testimony from two others at the four public hearings held on these petitions. In addition to those who testified (seven of whom also submitted comments), fifteen other individuals or entities and two foreign governments submitted written comments in response to the invitation for public comment published in the **Federal Register** Notices announcing receipt of the petitions. The major issues addressed in the public hearings and the written comments received are summarized below.

Supply, Demand, and Price

Those testifying or commenting in support of the petitions cite high prices and a deterioration in the quality of scrap available in the domestic marketplace as evidence of domestic shortages of ferrous scrap. Supporters of this view allege that higher prices for scrap do not result in an expansion of supply in the short run. Instead, they argue, domestic scrap shortages are merely exacerbated when prices are bid up by increased foreign demand. They state that the export-exacerbated shortages are concentrated in the higher quality, more desirable grades of scrap, which consist in significant part of prompt industrial scrap. Because prompt industrial scrap—which comprises 45% of the total available supply of scrap—is produced as a by-product of manufacturing processes, its availability is not significantly influenced by price. Thus rising prices will have a very limited impact on the availability of the higher grades of scrap. While 55% of the total scrap supply is obsolete scrap—comprised of used cars, appliances, etc.—and the supply of obsolete scrap is price sensitive, significantly higher prices sustained over a long period of time are required before any expansion of supply results.

Those who support the petitions assert that uncontrolled exports of ferrous scrap result in very substantial costs to U.S. consumers in form of higher scrap prices. The larger proportion of total available scrap which is exported, the greater the volatility in domestic prices in response to changes in export levels. Supporters of this view state that the increase in the price of scrap since late 1978 is not due to increases in the cost of processing or transporting the item, but rather to the intensity of competition for the commodity between domestic and foreign buyers. Exports as a percentage of domestic scrap supply have risen steadily since 1977. Thus, when increases in foreign demand cause total demand to exceed available U.S. supply, quality deterioration, spot shortages, and increased prices are inevitable.

Those testifying or commenting in opposition to the petitions stated that domestic supply has steadily increased in recent years, as evidenced by sales of "home scrap" on the domestic market—scrap which is usually recycled and consumed within the plant which produced it. Current reduced levels of purchases by the steel and foundry industries and the current decline in the price of ferrous scrap indicate there is no present shortage nor a likelihood that a shortage will arise in the near term.

Several of those testifying expressed the view that excess foreing demand not only decreases total available supply, but also reduces the amount of higher grade scrap available to domestic consumers.

However, opponents of this view claimed that since shredded scrap—a higher quality material—is a high cost item to manufacture, there is little domestic interest in acquiring this grade. They also stated that the U.S. domestic industry could not use the additional supplies now being shipped to foreign markets. Some commentors further stated that if shortages do occur, they may be attributed to a lack of gondola cars, bad weather, or other factors affecting the transportation of scrap, and not to exports.

In response to the petitioner's contention that increases in the price of ferrous scrap contribute to increases in the price of finished steel, opponents of monitoring assert that there is no correlation between the volatile price swings of ferrous scrap and the steady increase in finished steel prices. Thus, commentors opposing the petition state that the price of ferrous scrap does not produce an inflationary impact on the price of steel.

Both supporters and opponents of the petitions agree that domestic demand for scrap is currently on the decline. A major reason for the decline cited by commentors on both sides of the issue is the current domestic economic downturn and the accompanying slowdown in domestic steel production. Decisions of purchasing agents to postpone scrap purchases as long as possible while prices are falling was also mentioned as a reason for the slackening domestic market for scrap. One commentor also attributed the declining scrap market to escalating freight rates, which he held responsible for cancelled orders. However, there was no consensus evident as to the duration of the present domestic downturn in scrap demand. Finally, several scrap dealers also reported a recent decline in orders from foreign mills.

Future Trends

Several commentators noted that the continued growth, both domestically and abroad, of electric furnace steel production—a process which requires a 100% scrap charge—will lead to a rising demand for scrap and will place increasing pressure on the U.S. as the world's foremost supplier of ferrous scrap. Other commentors indicated that scrap consumption may also increase due to a possible change in BOF furnance technololgy, requiring the use of 20% more scrap. Future production of down-sized cars will cause reduced production of both prompt industrial and obsolete scrap. Yield-improving techniques such as continuous casting and improved rolling facilities will generate less home scrap, while the use of processes such as galvanizing and the coating of metals will also contribute to

a smaller reservoir of recoverable obsolete scrap.

Scrap Substitutes

Some commentors addressed the issue of substitutes or alternatives to scrap use. Direct reduced iron (DRI) or sponge iron was described as being too costly and scarce to be a viable alternative to the use of scrap in the U.S. at this time. One commentor noted, however, that DRI may become a substitute for scrap in the future in those areas where natural gas—a requirement for the production of DRI—is plentiful.

One commentor noted that increased exports of high quality scrap have led some foundries to rely on the use of expensive pig iron as a scrap substitute although, in the long run, the use of pig iron as a substitute is too costly, and it should thus not be considered a practicable substitute for scrap.

Energy/Environmental Concerns

Those testifying or commenting in support of monitoring stressed that each ton of scrap exported represents an energy loss equivalent to three barrels of crude oil. The Department of Energy's voluntary consumption targets designed to increase the percentage of U.S. steel produced from ferrous scrap as opposed to the use of iron ore and bituminous coal, may be jeopardized, they claimed, by the large volume of scrap exported. One commentor noted that the use of scrap in steelmaking has a positive benefit on the environment by reducing steelmaking pollutants by almost 70% from levels produced in a process which starts with iron ore.

Those testifying or commenting in opposition to monitoring maintain that placing export restrictions on ferrous scrap discourages scrap collection, thus negatively impacting the environment. Failure to collect and process scrap would also result in the unnecessary consumption of virgin resources, such as ores, minerals, and fuel, they note.

Regional Problems

The major regional problem confronting the scrap consuming and producing industries, according to several commentors, is the number of contraints in the scrap transportation system. Scrap competes with other commodities for the use of gondola cars and river barges. Temporary regional shortages of scrap coincide with seasonal peaks in the use of gondola cars for the transport of other commodities, such as grain. Several commentors also noted that large foreign purchases can cause scrap shortages in border and port areas of the U.S., forcing scrap consumers in those areas to pay high freight rates to transport required grades of scrap from inland regions. West Coast spokesman for the steel industry generally asserted that the very high transportation rates from other scrap generating areas of the country make the West Coast especially sensitive to large foreign purchases. Accordingly, they claim, a special West Coast regional problem exists. Yet the transport of scrap over distances as long as 1000 miles to consuming centers was described by other commentors.

However, most spokesmen for both the steel and the scrap industries appeared to subscribe to the theory that scrap tends to move from scrap surplus to scrap deficient areas thus equalizing supplies (and, presumably, reducing price differences). In their view, the impact of large foreign purchases, or exports, of scrap from one area of the country is soon offset by inflows of scrap from other areas.

Areas characterized by some commentors as scrap-short were northern Ohio, western Pennsylvania, north-central Illinois, the Pacific Northwest, western Texas, Arizona, the Rocky Mountain region, parts of Missouri and Indiana and on occasion northern California. New Jersey, Louisiana, Florida, Texas, Alabama, Michigan, Minnesota, and Tennessee were described as areas of general scrap sufficiency. In some cases, however, commentors disputed this characterization with respect to particular regions.

Alternatives to Monitoring

Several alternatives to monitoring were suggested by those commenting on the petitions. These included: (1) requiring domestic scrap consumers to submit copies of incomplete orders resulting from the unavailability of scrap, (2) organizing a continuing dialogue between scrap consumers and processors, (3) alleviating scrap quality and supply problems by contracting for scrap on a long-term basis, and (4) examining the transportation system used for scrap with a view to reducing impediments and eliminating bottlenecks in conveying scrap from producing to consuming centers.

Impact of Monitoring

The extent to which the introduction of monitoring might affect the ferrous scrap market was discussed extensively at all four public hearings and in many of the written comments received. Those opposed to monitoring generally argued that monitoring would inevitably be perceived in the marketplace as the first step toward controls, and would cause an immediate rise in both price and export levels, thus making controls more likely. Those persons holding this view asserted that monitoring would be likely to have this result irrespective of market conditions at the time it was introduced. Those who supported the petitions, on the other hand, said that monitoring would be unlikely to have more than a transitory, if any, effect on the market—particularly if it were introduced at a low point of the economic cycle or when both steel production and scrap prices are relatively low.

Need for Controls

Most of those testifying in support of monitoring expressed the view that controls are not warranted at this time. When asked the circumstances that would require controls, several suggested that restrictions be imposed whenever ferrous scrap exports exceed 600,000 metric tons per month. Those commentors opposed to the petition who commented on the need for controls maintained that restrictions on the export of scrap would only be warranted in a national emergency.

What Commodities Should Be Monitored?

With few exceptions, all those testifying or commenting expressed the view that, if a monitoring program were to be instituted, it should cover all 10 of the ferrous scrap commodities proposed for monitoring in both petitions. A few persons, however, pointed out that stainless steel and alloy scrap were not used by many steel producers and foundries and could be excluded from a monitoring program. Most of those testifying also saw no need to monitor the additional commodities listed in the Department's **Federal Register** Notice of April 11, 1980, announcing receipt of the first petition, but a few witnesses expressed the view that exports of ships for breaking, used rails, and railroad cars should also be monitored.

Frequency of Monitoring and Kind of Data To Be Collected

The majority of those testifying or commenting in support of the petitions favored a weekly rather than a monthly reporting period and argued that data should be collected only from processors and exporters of scrap. Those favoring monitoring proposed that exporters be required to report inventories, shipments, pending orders, ports of departure, and destinations of ferrous scrap. Several commentors recommended permanent monitoring of ferrous scrap. Others thought monitoring should be introduced and suggested an annual review be undertaken to

determine whether it should be continued.

Those opposing the establishment of a monitoring program found a monthly or quarterly reporting period less objectionable, and one even proposed a biennial reporting period. Were monitoring to be introduced, however, they advocated the reporting of consumer inventories of scrap in addition to actual export and export contract data. Those representing this viewpoint argued that the monthly consumer inventory data currently published by the Department of Interior's Bureau of Mines with a two month delay is incomplete and inadequate as a basis for judging domestic demand, while most persons representing the scrap industry claimed the collection of data on inventories of ferrous scrap in the hands of scrap producers and processors is not necessary.

When queried, there was almost unanimous agreement among those testifying that monitoring of exports on less than a national basis would not be very useful, since the information collected would not provide an adequate basis on which to make policy decisions on the need for export controls. However, a few witnesses expressed the view that, while national monitoring is needed, it would be helpful if the results of such monitoring could be broken down by principal regions of the country.

Public Record

The public record for this proceeding is maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3017, Main Building, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230. Records in this facility, including written public comments, transcripts of the four public hearings and memoranda summarizing the substance of any oral communication between Department officials and the public concerning the substance of this proceeding, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Determination

In acting on these petitions we have carefully analyzed the testimony presented at the public hearings and comments received in response to the invitation to comment. We have also consulted with other appropriate agencies to elicit their advice. These agencies included the Departments of State, Treasury, Interior, Energy, Labor, the Council of Economic Advisers, and the United States Trade Representative's Office. We have also considered additional data available to us, including statistical indicators of the state of the general economy, and certain export and export contract data provided to the Department voluntarily by a group of exporters.

We have considered both whether export controls under section 3(2)(C) and 7(a) are warranted and whether monitoring under section 7(b) is warranted. We have concluded that conditions have changed significantly since the petitions were filed and neither standard is satisfied under present circumstances. Accordingly, the Department of Commerce will not now impose export controls or institute a system of formal monitoring and reporting requirements. However, we will continue to follow market trends with our informal monitoring of price and export levels. If circumstances change substantially, we will consider instituting formal monitoring on our own initiative or consider a new petition even before the six-month period provided for in Section 7(c) has elapsed. The information gathered at our hearings and otherwise gives us helpful data on which to base these decisions.

Export Controls

Most of the proponents of monitoring acknowledged during our hearings that export controls are not warranted at this time. Section 7(a) of the Act grants authority to control exports where necessary to carry out the policy of section 3(2)(C), which is "to restrict the export of goods where necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand."

The only reports of shortages of ferrous scrap which we have received involved isolated instances of temporary nonavailability of particular grades in particular markets, usually as a result of delayed freight deliveries. Moreover, prices of ferrous scrap are at their lowest levels in nearly two years. Under these conditions we find neither an excessive drain of scarce materials nor a serious inflationary impact of foreign demand.

Export Monitoring

The test for monitoring in section 7(b)(1) of the Act is considerably less rigorous than that for export controls. The Department is instructed to monitor exports of any goods "when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have, a serious adverse impact on the economy or any sector thereof." The Department is further instructed to begin monitoring in time to produce a data base adequate to develop policies under section 3(2)(C) to mitigate a short supply situation or serious inflationary price rise.

Again, there is no indication that exports are now contributing to an increase in domestic prices or a domestic shortage. On the contrary, prices have *fallen* nearly $30/gross ton since the first petition was filed in March. As noted earlier, we have received no reports of real domestic shortages of scrap.

The remaining question, then, is whether current export volumes *may* contribute to an increase in domestic prices or a domestic shortage, and whether this increase or shortage may have a serious adverse impact on our economy or a particular sector of it. Of necessity, this standard requires us to consider what market trends we expect in the near future and then to decide if these trends suggest we must institute monitoring now in order to have adequate data with which to make timely decisions on export control policies.

Export levels of ferrous scrap have been at historically high levels in the last year. In fact, export figures for the twelve-month period ending in May 1980 stood at 11.798 million short tons, the highest level for any such period on record. The volume of exports in relation to domestic supply has risen somewhat during this period.

Despite these record export levels, prices are at their lowest level since September 1978. The three city (Philadelphia, Pittsburgh, Chicago) composite price for No. 1 heavy melting scrap stood at $102.83/gross ton on March 26, 1980, when the first petition was received. This price, though somewhat high by historical standards, is more than $25/gross ton lower than the peak price of recent years, which was $128.67 on March 1, 1979. After the petitions were filed, prices declined steadily, reaching $68 on June 20 this year. In the last few weeks there has been a slight recovery to about $74/gross ton.

This price behavior is not surprising in light of the decline in steel industry orders and production that began in mid-March as the economy slipped into

recession. This decline has been accompanied by a decline in domestic demand for ferrous scrap. The current price levels represent a significant change from the conditions that prevailed at the time the petitions were filed. Recovery from the recession could lead to an increase in the price of scrap, but this recovery is likely to be gradual. It appears unlikely, that prices will return to levels of $100/gross ton in the near future.

Accordingly, I find that conditions have changed significantly since the petitions were filed and that, in light of the change, there do not now exist circumstances indicating that the volume of exports of ferrous scrap may contribute to such an increase in domestic prices or a domestic shortage as would have a serious adverse impact on the economy or any sector thereof. The Department will not at present institute a formal monitoring program. However, we will continue to watch closely the prices of ferrous scrap and export levels. If prices rise substantially and export levels remain high relative to domestic supply, we will promptly consider instituting the formal monitoring necessary to develop policies under section 3(2)(C) in an intelligent and informed manner.

(Secs. 3, 7, and 12, Pub. L. 96–72, to be codified at 50 U.S.C. app. 2401 *et seq.*; Executive Order 12214 (45 FR 29783, May 6, 1980); Departmental Organization Order 10–3, dated January 3, 1980 (45 FR 6141, January 25, 1980))

Dated: July 11, 1980.

Robert E. Herzstein,

Under Secretary for International Trade.

[FR Doc. 80–21225 Filed 7–11–80; 5:15 pm]

BILLING CODE 3510–25–M

FEDERAL TRADE COMMISSION

16 CFR Part 437

Food Advertising; Extension of Time to File Comments

AGENCY: Federal Trade Commission.

ACTION: Extension of time to file comments and proposals for voluntary or regulatory action regarding food advertising.

SUMMARY: The Federal Trade Commission is extending the time to file comments on methods by which food advertising can be made more accurate and useful to consumers. In an April 8, 1980 Notice in the **Federal Register** (45 FR 23705), the Commission called for comments and proposals by July 7, 1980 regarding voluntary action to foster this result which could be undertaken by food manufacturers and retailers, advertising agencies which handle food accounts, the media and others. The Commission also called for comments on its proposal to terminate Phases II and III of the proposed trade regulation rule on food advertising. The Commission has determined that the scope of the issues raised by its April 8 notice is sufficiently broad that an extention of time to file comments to November 1, 1980 is warranted.

DATE: Comments will be considered in making a determination as to what, if any, further action is necessary in this area if received on or before November 1, 1980.

ADDRESS: Comments should be sent to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580 and clearly marked: "Food and Nutrition Advertising."

FOR FURTHER INFORMATION CONTACT:

W. Benjamin Fisherow, Deputy Assistant Director for Food and Drug Advertising, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1511 or Katherine L. Clancy, Ph.D., Division of Food and Drug Advertising, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1492 or Maryanne S. Kane, Attorney, Division of Food and Drug Advertising, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1496.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80–21198 Filed 7–15–80; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM80–55]

Revision to Annual Report for Electric Utilities, Licensees and Others (Class A and Class B): Form No. 1

Issued: July 10, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission gives notice that it proposes to revise its annual report, Form No. 1, "Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)" (18 CFR 141.1). The proposed amendments would eliminate certain data elements which the Commission no longer needs to carry out its regulatory functions. The proposed changes are a product of the Commission's ongoing effort to eliminate unnecessary reporting burdens.

DATE: Comments are due by September 8, 1980.

ADDRESS: Comments on this Notice should be addressed to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM80–55.

FOR FURTHER INFORMATION CONTACT:

James Kitchen, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 3408N, Washington, D.C. 20426 (202) 357–9212.

Elaine M. Dawson, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 3405N, Washington, D.C. 20426 (202) 357–9190.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Energy Regulatory Commission (Commission) is engaged in an ongoing effort to eliminate unnecessary reporting burdens. This rulemaking to amend Form No. 1, "Annual Report for Electric Utilities, Licensees and Others (Class A and Class B),"[1] is part of that effort, and reflects a new evaluation of the data needed by the Commission to carry out its regulatory functions. The proposed revisions for the form should result in a significant reduction in the respondents' burdens.*

Form No. 1 collects information annually from electric utility companies and certian other hydroelectric production sources. The data primarily include general corporate information; summary financial data; balance sheet supporting data; income statement supporting data; and electric plant, sales, operating and statistical data.[2]

The Commission has reviewed Form No. 1 in light of its regulatory responsibilites, and has determined that

[1] A Class A electric utility is one having annual electric operating revenues of $2,500,000 or more. A Class B electric utility is one having annual electric operating revenues of $1,000,000 or more but less than $2,500,000. This classification criteria has not been examined for this rulemaking; it will, however, be the subject of a separate rulemaking.

* FERC Form No. 1 (Attachment B) is not being printed in the **Federal Register.** Copies are available in the Office of Public Information.

[2] The Commission is authorized to prescribe the reporting requirements of Form No. 1 pursuant to sections 3 (2)–(5) and (7), 304 and 309 of the Federal Power Act (16 U.S.C. §§ 796(3)–796(5), 796(7), 825c, and 825h).

it no longer needs certain elements of the data collected. The proposed deletions would cause an estimated 28 percent reduction in the current reporting burden for the form.[3]

The Energy Information Administration (EIA), however, may decide on behalf of itself or other sponsors within the Department of Energy to continue the collection of some data proposed for deletion herein. If EIA should make such a determination during this rulemaking proceeding, the Commission would issued a Final Rule based on this Notice with a delayed effective date. This would provide EIA (or any other potentially interested agency) a period of time in which to justify the need for the data and receive the approval for collection of such data under the agency's own authority.

II. Summary of Revisions

Fifty-five of the schedules in Form No. 1 have not been amended.[4] The following is a brief summary of the Commission's proposed revisions to Form No. 1:[5]

a. Eliminate the requirement of CPA certification from 14 of the 18 schedules presently designated for such certification.

b. Establish specific threshold reporting levels on 8 schedules.

c. Revise the reporting instructions on 9 schedules.

d. Delete entire data columns from 4 schedules.

e. Delete 35 schedules in their entirety.

The proposed amendments to Form No. 1, as outlined above, are not proposed for certain modified versions of the form which are filed by various Government entities, including the Army Corps of Engineers,[6] the Department of Interior and various Department of Energy power marketing administrations. Any changes in these modified forms will be considered independently of this rulemaking.

III. Comment Procedure

The Commission invites interested persons to submit written comments on this proposal. Copies of all comments will be furnished to EIA for its use. The Commission specificially requests that the comments address the following questions:

1. a. Do the proposed revisions or elimination of data affect any Commission or State regulatory functions?

b. Will State agencies now utilizing this report form in the exercise of their own regulatory responsibilities agree to reduce their reporting requirements concurrently?

2. Is there any reason for continued collection of the data for the purposes of another Federal agency? Suggestions for the continued collection of data which have been proposed for elimination from the present Form No. 1 should identify the proper agency and the purpose for the proposed collection of the data.

3. What cost savings are likely to result from the proposed elimination of the 14 CPA certification? [7]

4. What are the merits of using a percentage of the year end account balance rather than a selected fixed dollar figure in establishing a threshold for "minor items?"

5. What is the effect of deleting the INDEX from the back of the report form? [8]

Interested persons wishing to comment on this proposal should submit copies of their comments to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should refer to Docket No. RM80-55. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, September 8, 1980, will be considered by the Commission prior to promulgation of final regulations. Pursuant to the Federal Reports Act, 44 U.S.C. 3501-3511, these proposed revisions will be considered by the Office of Management and Budget for ultimate clearance. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection during regular business hours in the Commissions's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(Federal Power Act, as amended, 16 U.S.C. 792-828(c); Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission proposes to revise Form No. 1, "Annual Report for Electric Utilities, Licensees and Others (Class A and Class B)," prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations as set out in Attachment B.

In addition, in consideration of the foregoing, the Commission proposes to revise Part 141 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

1. Part 141—Statement and Reports (Schedules)—is amended in the Table of Contents and in the text of the regulations by revising § 141.1 to read as follows:

§ 141.1 FERC form No. 1, annual report for electric utilities, licensees and others (class A and class B).

(a) The form of annual report for class A and class B electric utilities, licensees and others, designated herein as FERC Form No. 1 is prescribed for the year 1980 and thereafter.

(b)(1) Each class A electric utility, licensee, and other entity, i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act (16 U.S.C. 792-828(c)), including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution, or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $2,500,000 or more, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1980, or subsequently during the calendar year 1980 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above designated FERC Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

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[3] This is a conservative estimate, in that the data requirements in many of the schedules to be deleted are open-ended. As a result, some responses to these schedules can vary between zero and several hundred lines.

[4] Schedules 431 through 502 have not been reviewed in connection with this rulemaking. They will be examined during the Commission's reevaluation of other related forms. Comments are, nevertheless, solicited at this time with reference to these schedules.

[5] *See* Attachment A for a chart of the proposed revisions to Form No. 1. *See* Attachment B for Form No. 1 with proposed revisions.

[6] The Army Corps of Engineers form has been on officially designated as FPC Form No. 1002.

[7] Responses to this question are especially requested from CPA firms.

[8] Form No. 1 contains a list of Schedules at pages iii through v, including the page locations of each schedule. Each of the finanical statements (balance sheet and income statement) contains a column for the page number of the statement's supporting schedule.

(2) This report form is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(c)(1) Each class B electric utility, licensee, and other entity, i.e., each corporation, person, or licensee as defined in section 3 of the Federal Power Act, including any agency, authority or other legal entity or instrumentality and any agency, authority or instrumentality of the United States engaged in generation, transmission, distribution or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of more than $1,000,000 but less than $2,500,000, whether or not the jurisdiction of the Commission is otherwise involved, shall prepare and file with the Commission for the year beginning January 1, 1980, or subsequently during the calendar year 1980, if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated FERC Form No. 1 as are indicated in the General Instructions set out in that form, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(2) This report form is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(d) This annual report contains the following schedules:

Identification.
General Instruction.
General Information.
Control Over Respondent.
Corporations Controlled by Respondent.
Officers.
Directors.
Security Holders and Voting Powers.
Important Changes During the Year.
Comparative Balance Sheet—Statement A.
Notes to Balance Sheet—Statement A (Continued).
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization, and Depletion—Statement B.
Statement of Income for the Year—Statement C.
Notes to Statement of Income—Statement C (Continued).
Statement of Retained Earnings for Year—Statement D.
Statement of Changes in Financial Position—Statement E.
Nuclear Fuel Materials.
Nonutility Property.
Investment in Subsidiary Companies.
Materials and Supplies.
Extraordinary Property Losses.
Unamortized Debt Expense, Premium and Discount on Long-Term Debt.
Miscellaneous Deferred Debits.
Accumulated Deferred Income Taxes (Account 190).
Capital Stock.
Capital Stock, Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock.
Other Paid-in Capital.
Discount on Capital Stock.
Capital Stock Expense.
Long-Term Debt.
Securities Issued or Assumed and Securities Refunded or Retired During the Year.
Taxes Accrued, Prepaid and Charged During Year.
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.
Other Deferred Credits.
Accumulated Deferred Income Taxes.
Accumulated Deferred Investment Tax Credits.
Particulars Concerning Certain Income Deduction and Interest Charges Accounts.
Common Utility Plant and Expenses.
Regulatory Commission Expenses.
Distribution of Salaries and Wages.
Electric Plant in Service.
Electric Plant Leased to Others.
Electric Plant Held for Future Use.
Construction Work in Progress—Electric.
Accumulated Provision for Depreciation of Electric Utility Plant.
Electric Operating Revenues.
Sales for Resale.
Sales of Electricity by Rate Schedules.
Electric Operation and Maintenance Expenses.
Purchased Power.
Interchange Power.
Transmission of Electricity for or by Others.
Miscellaneous General Expenses.
Construction Overheads—Electric.
General Description of Construction Overhead Procedure.
Depreciation and Amortization of Electric Plant.
Electric Energy Account.
Monthly Peaks and Output.
Steam-Electric Generating Plant Statistics (Large Plants).
Steam-Electric Generating Plant Statistics (Large Plants) Average Annual Heat Rates and Corresponding Net kwh Output for Most Efficient Generating Units.
Hydroelectric Generating Plant Statistics (Large Plants).
Pumped Storage Generating Plant Statistics (Large Plants).
Generating Plant Statistics (Small Plants).
Changes Made or Scheduled to be Made in Generating Plant Capacities.
Steam-Electric Generating Plants.
Hydroelectric Generating Plants.
Pumped Storage Generating Plants.
Internal-Combustion Engine and Gas-Turbine Generating Plants.
Transmission Line Statistics.
Transmission Lines Added During Year.
Substations.
Electric Distribution Meters and Line Transformers.
Research, Development, and Demonstration Activities.
Environmental Protection Facilities.
Environmental Protection Expenses.
Attestation.

Attachment A.—*Proposed Revisions, Form No. 1*

Title	Schedule page No.	Retain— As is	Change threshold	Revise instructions	Delete columns	Delete complete schedule	Explanation
General Instructions	i-ii			X			Instruction 14—Revise to require CPA certification on only the four basic financial statements A, C, D, and E.
General Information	101-101A			X			Delete instruction 5(d).
Control Over Respondent	102	X					
Corporations Controlled by Respondent	103	X					
Officers	104	X					
Directors	105			X			Revise editorially to reflect Order No. 57.
Security Holders and Voting Powers	106-107	X					
Important Changes During the Year	108-109	X					
Comparative Balance Sheet—Statement A	110-112				X		Delete column (e). Expand to allow space for reporting account balances previously grouped and detailed on schedules now proposed for deletion.
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion—Statement B.	113	X					

Attachment A.—*Proposed Revisions, Form No. 1*—Continued

Title	Schedule page No.	Retain— As is	Change threshold	Revise instructions	Delete columns	Delete complete schedule	Explanation
Statement of Income for the Year—Statement C.	114–116A			X			Expand to list Accounts 415–418 separately. Delete Instruction 7.
Statement of Retained Earnings for the Year—Statement D.	117–117A			X			Revise editorially to reflect Order No. 53.
Statement of Changes in Financial Position—Statement E.	118–119	X					
Nuclear Fuel Materials	200	X					
Nonutility Property	201		X				Instruction 5—Add: (5% of the balance end of year for Account 121).
Accumulated Provision for Depreciation and Amortization of Nonutility Property.	201					X	
Investments	202					X	
Investment in Subsidiary Companies	203	X					
Notes and Accounts Receivable	204					X	Move beginning and end of year balance to Schedule 110—Comparative Balance Sheet.
Accumulated Provisions for Uncollectible Accounts—Cr.	204					X	
Receivables from Associated Companies	206					X	Move beginning and end of year balance to Schedule 110—Comparative Balance Sheet.
Material and Supplies	207			X			Revise Instruction 1, to indicate reporting by functional classifications as preprinted in (a).
Production Fuel and Oil Stocks	209					X	
Miscellaneous Current and Accrued Assets	210					X	
Extraordinary Property Losses	210	X					
Unamortized Debt Expense, Premium and Discount on Long-Term Debt.	211	X					
Preliminary Survey and Investigation Charges.	212					X	
Miscellaneous Deferred Debits	214		X				Instruction 3—Add: (1% of the balance end of year for Account 186 or amounts less than $50,000 whichever is less).
Deferred Losses from Disposition of Utility Plant.	214A					X	
Unamortized Loss and Gain on Required Debt.	214B					X	
Accumulated Deferred Income Taxes (190)	214C–D				X		Delete columns (c) through (j). Retain (a), (b), and (k) only.
Capital Stock	215	X					
Captital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock and Installments Received on Capital Stock.	216	X					
Other Paid-in Capital	217	X					
Discount on Capital Stock	218	X					
Capital Stock Expense	218	X					
Long-Term Debt	219	X					
Securities Issued or Assumed and Securities Refunded or Retired During the Year.	220	X					
Notes Payable	221					X	Move Beginning and end of year balance to Schedule 111—Comparative Balance Sheet.
Payables to Associated Companies	221					X	Move Beginning and end of year balance to Schedule 111—Comparative Balance Sheet.
Taxes Accrued, Prepaid and Charged During the Year.	222–222A	X					
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.	223	X					
Miscellaneous Current and Accrued Liabilities	224					X	
Customer Advances for Construction	224					X	
Deferred Gains from Disposition of Utility Plant.	224A					X	
Other Deferred Credits	225		X				Instruction 3—Add: (1% of the balance end of the year for Account 253 or amounts less than $50,000 whichever is less).
Operating Reserves	226					X	Move beginning and end of year balances to Schedule 111—Comparative Balance Sheet.
Accumulated Deferred Income Taxes	227–227E	X					
Investment Tax Credits Generated and Utilized.	228					X	
Accumulated Deferred Investment Tax Credits.	229	X					
Gain or Loss on Disposition of Property	300					X	
Income from Utility Plant Leased to Others	301					X	
Particulars Concerning Certain Other Income Accounts.	303					X	Move Account amounts for the year to Schedule 116A—Statement of Income for the Year.
Particulars Concerning Certain Income Deduction and Interest Charges Accounts.	304		X	X			Instruction 3—Revise to allow for grouping items less than 5% of each account total for the year. Move Account 426.4 (and title) to be included in first sentence of Instruction 3.

Attachment A.—*Proposed Revisions, Form No. 1*—Continued

Title	Schedule page No.	Retain— As is	Change threshold	Revise instructions	Delete columns	Delete complete schedule	Explanation
Expenditures for Certain Civic, Politcal and Related Activities.	305					X	
Extraordinary Items	306					X	
Common Utility Plant and Expenses	351	X					
Regulatory Commission Expenses	353–353A		X				Instruction 6—Add: (less than $25,000).
Charges for Outside Professional and Other Consultative Services.	354					X	
Distribution of Salaries and Wages	355–356	X					
Electric Plant in Service	401–403	X					
Fish and Wildlife and Recreation Plants	403a					X	
Electric Plant Leased to Others	404	X					
Electric Plant Held for Future Use	405		X				Revise instructions to read $250,000.
Construction Work in Progress and Completed Construction not Classified—Electric.	406		X	X	X		Instruction 4—Add: (5% of the balance end of year for Account 107). Delete column (c) Account 106 and revise instructions to reflect the deletion of Account 106 from the schedule.
Plant Acquisition Adjustments and Accumulated Provision for Amortization of Plant Acquisition Adjustments.	407					X	
Accumulated Provision for Depreciation of Electric Utility Plant.	408	X					
Electric Operating Revenues	409			X			Delete the requirement at bottom of schedule for listing the "Total All Electric" Customers.
Sales of Electricity—By Communities	410–411					X	
Sales for Resale	412–413	X					
Sales of Electricity by Rate Schedules	414	X					
Sales to Railroads and Railways and Interdepartmental Sales.	415					X	
Rent from Electric Property and Interdepartmental Rents.	415					X	
Sales of Water and Water Power	416					X	
Miscellaneous Service Revenues and Other Electric Revenues.	416					X	
Electric Operation and Maintenance Expenses.	417–420	X					
Number of Electric Department Employees	420					X	
Operation and Maintenance Expenses of Fish and Wildlife and Recreation Operations.	420a					X	
Lease Rentals Charged	421A–421D					X	
Purchased Power	422–423	X					
Interchange Power	424	X					
Transmission of Electricity for or by Others	425	X					
Franchise Requirements						X	
Miscellaneous General Expenses—Electric	427		X				Revise lines 6 and 7 to read: 5% of the amount for the year for Account 930.2.
Construction Overhead—Electric	427				X		Delete column (d).
General Description of Construction Overhead procedure.	428	X					
Depreciation and Amortization of Electric Plant.	429–430A	X					
Electric Energy Account	431	X					
Monthly Peaks and Output	431	X					
Steam-Electric Generating Plant Statistics (Large).	432–432a	X					
Steam-Electric Generating Plant Statistics (Large Plant) Average Annual Heat Rates and Corresponding Net Kwh Output for Most Efficient Generating Net Kwh Output for Most Efficient Generating Units/Total System Steam Plants.	432b	X					
Hydroelectric Generating Plant Statistics (Large).	433a–433b	X					
Pumped Storage Generating Plant Statistics (Large).	433c–433d	X					
Generating Plant Statistics (Small Plant)	434	X					
Changes Made or Scheduled to be Made in Generating Plant Capacities.	435	X					
Steam-Electric Generating Plants	436–437	X					
Hydroelectric Generating Plants	438–439	X					
Pumped Storage Generating Plants	439a–439c	X					
Internal-Combustion Engine and Gas-Turbine Generating Plants.	440–441	X					
Transmission Line Statistics	442–443	X					
Transmission Lines Added During Year	444	X					
Substations	445	X					
Electric Distribution Meters and Line Transformers.	447	X					
Research, Development and Demonstration Activities.	48–448A	X					
Environmental Protection Facilities	501	X					
Environmental Protection Expenses	502	X					

Attachment A.—*Proposed Revisions, Form No. 1*—Continued

Title	Schedule page No.	Retain— As is	Change threshold	Revise instructions	Delete columns	Delete complete schedule	Explanation
Attestation	503	X					
Index						X	

[FR Doc. 80-21150 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

PEACE CORPS

22 CFR Part 301

Public Access to Classified Material

AGENCY: Peace Corps.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations outline the procedure to be followed by members of the public desiring a declassification of classified documents in the possession of Peace Corps. In addition, these proposed regulations detail the manner in which access to such classified documents is granted. The proposed revisions are necessary to update the procedure to bring it in compliance with Executive Order 12065 entitled: "National Security Information," issued July 3, 1978.

DATES: Comments must be received by August 15, 1980.

ADDRESS: Comments should be sent to the Office of the General Counsel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Written comments should be identified with the word "Declassification" on the envelope.

FOR FURTHER INFORMATION CONTACT: Louise E. Maillett, Assistant General Counsel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, (202) 254-8855.

SUPPLEMENTARY INFORMATION: The intent of Executive Order 12065 is to increase the openness in Government by limiting classification and accelerating declassification while simultaneously providing improved protection against unauthorized disclosure for that information which has been designated classified in the interest of national security. Although Peace Corps presently does not have the authority to classify documents, and had such authority only from 1962-1972, Peace Corps does have classified material in its possession. Therefore, the following regulation is necessary to provide guidance to the public concerning the handling of classified material within Peace Corps and the manner in which a declassification review of a classified document may be made.

Throughout the regulations both Peace Corps and ACTION are mentioned as involved in the safeguarding and declassification review process. Under Executive Order 12137, issued May 16, 1979, the status of Peace Corps was changed from that of a component of ACTION to that of an autonomous agency within ACTION in accordance with the provisions of that Order. However, ACTION continues to provide certain support functions for Peace Corps. Therefore, some of the responsibilities established in these proposed regulations will be carried out by ACTION support offices.

The existing regulations deal solely with the procedure to be followed by a member of the public who wishes a declassification review of a classified document in the possession of ACTION. The proposed regulation, while retaining the concept of a Committee to review such requests, changes the composition of the Committee by the replacement of ACTION staff by Peace Corps staff to reflect the issuance of Executive Order 12137. In addition, pursuant to Section 5-404 of Executive Order 12065, an appeal from a decision of the Committee is changed from the Interagency Classification Review Committee to the Director of Peace Corps.

New sections designating the Office responsible for the safeguarding and oversight of classified material in the possession of the agency, and those persons authorized to have access to such material have been added as required by Executive Order 12065. In general, access will be granted only upon a determination that such access is necessary for the performance of official duties and that those persons granted access are deemed trustworthy. A waiver of the "official duties" requirement may be granted by the Deputy Director of Peace Corps or designee for persons who are engaged in historical research projects or are former Presidential appointees under the conditions detailed in § 301.2(b).

This regulation, as a matter involving volunteers, is exempt from the requirements of Executive Order 12044, "Improving Government Regulations".

Pursuant to Section 5.2 of Executive Order 12065, these regulations were submitted to and reviewed by the Information Security Oversight Office, General Services Administration.

In consideration of the foregoing, it is proposed to amend Part 301 of Title 22 of the Code of Federal Regulations to read as follows:

PART 301—PUBLIC ACCESS TO CLASSIFIED MATERIAL

Sec.

301.1 Introduction.
301.2 Access to classified material.
301.3 Safeguarding and oversight of classified material.
301.4 Derivative classification.
301.5 Request for declassification review of documents.
301.6 Action on requests for declassification review.

Authority: Executive Order 12065, "National Security Information." 3 CFR, 1978 Comp., p. 190. (43 FR 28949, July 3, 1978).

§ 301.1 Introduction.

The following guidance is provided for memebers of the public desiring a declassification review of a document and describes the manner in which classified material is handled by Peace Corps.

§ 301.2 Access to classified material.

(a) No person may be given access to classified information unless that person has been determined:

(1) To be trustworthy as determined by the Director or designee based upon appropriate investigations in accordance with applicable standards and criteria, and

(2) That such access is necessary for the performance of official duties.

(b) The requirements of § 301.2(a)(2) may be waived by the Deputy Director of Peace Corps, or designee, for persons who are engaged in historical research projects or are former Presidential appointees if the following steps are taken:

(1) The Deputy Director or designee makes a written determination that such access is consistent with the interests of national security, that the person requesting access is trustworthy as defined in § 301.2(a)(1), and that appropriate steps be taken to ensure that such access is limited to those specific categories of information over which Peace Corps has classification jurisidiction.

(2) The persons requesting access provide the Deputy Director, or designee, a written statement agreeing to safeguarding the information and consenting to the Peace Corps' Classification Review Committee's (Committee) review of their notes and manuscripts solely for the purpose of determining that no classified information is disclosed.

(c) Any waiver granted pursuant to § 301.2(b) to former Presidential appointees shall be limited to items that the person originated, reviewed, signed or received while serving as a Presidential appointee.

§ 301.3 Safeguarding and oversight of classified material.

The Director of the Peace Corps has designated the ACTION Administrative Services Division, Office of Administration and Finance as responsible for the oversight of the safeguarding functions of all classified materials in the possession of Peace Corps, and for implementing an oversight program to ensure compliance with E. O. 12065.

§ 301.4 Derivative classification.

(a) Derivative classification markings shall be applied to information that is in substance the same as information previously classified by a proper authority, unless it is determined either through checks with the original classification authority or other appropriate inquiries that no classification or a lower classification than originally assigned is appropriate. Declassification or review instructions will be carried forward from the source material.

(b) Any document that derives its classification from information classified on or after December 1, 1978, shall be marked with the declassification date or event or the date for review assigned to the source information. If the source material bears a declassification date or event 20 years or less from the date of origin, that date or event shall be carried forward on the new material. If the source material bears no declassification date or event, or is marked for declassification beyond 20 years, the new material shall be marked with a date for review for declassification at 20 years from the date of original declassification of the source material.

(c) If the source material is foreign government information bearing no date or event for declassification or is marked for declassification beyond 30 years, the new material shall be marked for review for declassification at 30 years from the date of original classification of the source material.

§ 301.5 Request for declassification review of documents.

(a) Any person desiring a declassification review of a Peace Corps document containing information classified as National Security Information by reason of Executive Order 12065 (or any predecessor Executive Order) should address such request to the Peace Corps Counsel, Peace Corps, Washington, D.C. 20525.

(b) Requests needs not be made on any special form but shall, as specified in Executive Order 12065, reasonably describe the information in order to enable Peace Corps or ACTION personnel to identify and obtain the document from Peace Corps or ACTION records.

(c) If a request for information does not involve substantial search time or reproduction costs, the information will be furnished without charge as a service to the public. In any event, when the combination of such time and reproduction costs exceed $25.00, such costs will be deemed substantial and charged to the requester. The following charges will be made for any copies requested by a requester:

(1) Copies made by photostat or otherwise (per page—$.10).

(2) Search services shall be charged for at the rate of $5 per hour. Such charge may be made whether or not the search is successful in producing the record requested.

(3) In the event a request for documents or records is received which does not state that the requester will pay any and all reasonably necessary costs, or costs up to an amount specified in such request, and the Peace Corps Declassification Review Committee (Committee) or its designee, determines that the anticipated cost for search and duplication of the records requested will be in excess of $25, or in excess of the limit specified in the request, the Committee, or its designee, shall so advise the requester promptly after receipt of the initial request. Such notification shall specify the anticipated cost of search and reproduction of the records requested. The requester may thereafter amend the request to specify fewer documents, or agree to accept the estimate of anticipated costs, in which case the request shall be deemed received by the Agency upon the date of the requester's response.

(4) Payments shall be made to the Committee, or its designee by personal check or money order, payable to Peace Corps. A receipt for any fees will be provided upon request.

§ 301.6 Action on requests for declassification review.

(a) The Peace Corps Counsel or designee shall acknowledge within ten (10) working days the receipt of any request. If the request does not contain a sufficient description of the material to be reviewed, the Peace Corps Counsel or designee shall inform the requester that no action will be taken unless more specific information is received. If the request concerns documents classified by another agency, the Peace Corps Counsel or designee shall forward the request to that agency and shall so inform the requester.

(b) The Peace Corps Counsel shall assign each request to the Committee which will consist of the following Peace Corps personnel or their designees: the Deputy Director, the Director of the Office of Resource Management, one Regional Director designated by the Peace Corps Director, and the Peace Corps Counsel or designee. The ACTION General Counsel, or designee, will be a non-voting member of the Committee and will act as a legal advisor to the members. The Committee will be chaired by the Deputy Director and all action by the Committee will be by approval of a majority of the voting members.

(c) Every effort will be made to complete action on each request within 30 days of receipt of the request. If action cannot be completed within 30 days, the requester will be so advised by the Committee along with reasons for the need for additional time. If the requester does not receive a decision on the request within 60 days from the date of receipt of the request by Peace Corps or from the date of the most recent receipt of a response to a Peace Corps request for more particulars, whichever is later, the requester may appeal to the Director of Peace Corps as provided in paragraph (f) of this section.

(d) In the event the Committee determines that requested information must remain classified by reason of the provisions of Executive Order 12065, the requester shall be given prompt notification of that decision and whenever possible shall be provided with a brief statement as to why the information or material cannot be declassified. The requester shall also be advised that the decision may be appealed by following the procedures provided in paragraph (f) of this section.

(e) For purposes of administrative determinations under this section, the burden of proof is on Peace Corps to show that continued classification of the document in whole or in part is required under the terms of Executive Order

12065. Any reasonably segregable portion thereof that no longer requires protection under this Order shall be declassified and released unless withholding is otherwise warranted under applicable law.

(f) Appeals from the Committee determinations shall be made in writing to the Director of Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, no later than 60 days after the date of the original denial letter or the final release of documents, whichever is later. Upon receipt of such an appeal, the Director shall:

(1) Decide the appeal within 30 days of receipt of the appeal; and

(2) Notify the requester of the decision and a statement of the reasons underlying it.

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

Richard Celeste,

Peace Corps Director.

[FR Doc. 80-21286 Filed 7-15-80; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 211

Coal Mining Operating Rules; Extension of Comment Period

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of extension of comment period for proposed rulemaking.

SUMMARY: This notice extends the period for submitting comments on the proposed rulemaking published in the **Federal Register** (45 FR 32715 to 32743) on May 19, 1980, which delineates the functions and responsibilities of the Geological Survey (GS) for coal mining operations on Federal lands and governs coal mining operations for production, development, mineral resource recovery and protection, royalties, diligent development, and Maximum Economic Recovery (MER) on Federal lands under the Mineral Leasing Act of 1920, as amended (MLA). The rules also recodify the regulations in 30 CFR Part 211 relating to the initial Federal Lands Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The GS received several requests for extensions from such organizations as the Mining and Reclamation Council of America, the American Mining Congress, and the National Coal Association. Requests argued that more time was needed to adequately address the complexity of the proposed rules, to review the proposed rules in relation to recent Memoranda of Understanding (MOU) among the Bureaus of the Department of the Interior, and to fully evaluate the technical and economic aspects of the rules. The GS has decided to extend the original 45-day comment period for 3 weeks.

DATE: The comment period is extended until July 24, 1980.

ADDRESS: Comments should be addressed to the Chief, Conservation Division, U.S. Geological Survey, 650 National Center, Reston, Virginia 22092. Comments will be available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular working days.

FOR FURTHER INFORMATION CONTACT: Wright Sheldon or Thomas Leshendok, Branch of Coal Management, Conservation Division, U.S. Geological Survey, 650 National Center, Reston, Virginia 22092, (703) 860-7136 or FTS 928-7136.

Date: July 10, 1980.

Doyle G. Frederick

Acting Director.

[FR Doc. 80-21195 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Disclosure of Comments Received From Federal Agencies on the Missouri Permanent Program Submitted Under Public Law 95-87

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior

ACTION: Announcement of public disclosure of comments.

SUMMARY: Before the Secretary of the Interior may approve permanent state regulatory programs submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain federal agencies must be solicited and disclosed. The Secretary has solicited comments of these agencies, and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Ave., Kansas City, Missouri 64106, Telephone (816) 374-3920;

Missouri Land Reclamation Commission, 1026-D N.E. Drive, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Richard D. Rieke, Assistant Regional Director, State and Federal Programs, Office of Surface Mining, Scarritt Building, 818 Grand Ave., Kansas City, Missouri 64106, Telephone (816) 374-3920.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior is evaluating the permanent regulatory program submitted by Missouri for his review on February 1, 1980. See the February 11, 1980, **Federal Register** (45 FR 9123-9124), March 24, 1980, **Federal Register** (45 FR 18987) and the May 23, 1980, **Federal Register** (45 FR 34907-34909). In accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1), the Missouri program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following federal agencies were invited to comment on the Missouri program:

Department of Agriculture,
Soil Conservation Service,
Forest Service,
Agricultural Stabilization and Conservation Service,
Science and Education Administration,
Advisory Council on Historic Preservation;
Department of Labor,
Mine Safety and Health Administration;
U.S. Environmental Protection Agency,
Water Resources Council;
Department of Energy;
Department of the Interior
Bureau of Indian Affairs
Bureau of Land Management
Bureau of Mines
Heritage Conservation and Recreation Service
Water and Power Resources Service (Formerly Bureau of Reclamation)
Fish and Wildlife Service
National Park Service
Geological Survey
U.S. Army Corps of Engineers
Missouri River Basin Commission

Of these agencies invited to comment, OSM received comments from the following offices:

U.S. Army Corps of Engineers
Bureau of Land Management
Soil Conservation Service
Fish and Wildlife Service
Heritage Conservation and Recreation Service
Bureau of Mines

National Park Service
Mine Safety and Health Administration
Geological Survey
U.S. Environmental Protection Agency
Department of Energy

These comments are available for review and copying during business hours, at the locations listed above under "ADDRESSES."

Dated: July 9, 1980.

Carl C. Close,

Assistant Director, State and Federal Programs.

[FR Doc. 80-21192 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 925

Permanent Regulatory Program; Submission of Missouri

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule; reopening of public comment period on Missouri's permanent regulatory program.

SUMMARY: On February 1, 1980, the State of Missouri submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The submission is intended to implement requirements found in 30 CFR Chapter VII, which contains the permanent program rules issued by the Secretary of the Interior.

In the course of a lawsuit challenging the Secretary's rules, certain provisions were suspended or remanded pending further rulemaking. On May 16, 1980, the court hearing the case ordered that the Secretary must disapprove in programs being considered all state provisions incorporating suspended or remanded federal rules. On June 16, 1980, the Secretary filed a motion requesting the court to stay this decision. This notice invites public comment on the Secretary's tentative determination identifying provisions in the Missouri program that incorporate suspended or remanded federal rules.

Also, by a letter dated June 30, 1980, the Director of the Missouri Land Reclamation Commission informed the Regional Director OSM, Region IV that Missouri could not adequately implement and administer the program until October 1, 1980. In addition to the June 30, 1980 amendment, Missouri submitted a second program amendment dated July 3, 1980. The second amendment is a letter from the Director of the Land Reclamation Commission requesting approval of eight state regulations. Public comments are also solicited on the June 30, 1980, and July 3, 1980, Missouri program amendments.

DATES: All comments must be received by 5:00 p.m. on July 28, 1980.

ADDRESSES: Comments should be submitted to: Office of Surface Mining, Reclamation and Enforcement, Administrative Record, Room 153, 1951 Constitution Avenue, Washington, D.C. 20240.

Copies of the Missouri program submission, the opinions of the court in the lawsuit discussed below, and the June 30, 1980, and July 3, 1980 amendments are available for review and copying during normal business hours at:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.
Missouri Land Reclamation Commission, 1026-D. N.E. Drive, Jefferson City, Missouri 65101.
Office of Surface Mining, Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240.

Copies of the Missouri statutes and regulations contained in Missouri's program submission may be obtained on request from: Richard Rieke, Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106 (816) 374-3920.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240; Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: Missouri submitted its permanent regulatory program for approval by the Secretary of the Interior on February 1, 1980. After opportunity for public comment on the program's completeness, the Regional Director determined the initial submission to be complete. The Regional Director then announced a public comment period and public hearing to obtain the views of interested persons and agencies on the adequacy of Missouri's submission. The public comment period closed on July 1, 1980. These actions were announced in the **Federal Register** on February 11, 1980 (45 FR 9123-9124), March 24, 1980 (45 FR 18987), May 23, 1980 (45 FR 34907-34909).

Before Missouri submitted its program, challenges to the Secretary's permanent program regulations were brought by representatives of industry, two states and several environmental groups in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In Re. Permanent Surface Mining Regulation Litigation* (Civil Action No. 79-1144).

In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942), December 31, 1979 (44 FR 77447-77454) and January 30, 1980 (45 FR 6913). In two opinions the court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. A list of all the suspended and remanded regulations was set forth in the July 7, 1980 **Federal Register** (45 FR 45604). OSM intends to issue a further statement of the full effect of all suspended and remanded regulations in the **Federal Register**.

In its May 16, 1980 opinion, the court ordered the Secretary to affirmatively disapprove any regulation in a state program which incorporates a suspended or remanded regulation. Although the Secretary intends to appeal that portion of the court's opinion, he intends to comply with it pending its modification on appeal or as a result of his Application for Stay filed June 16, 1980.

OSM has completed an initial review of the Missouri program submission and has identified the provisions proposed for disapproval and the proposed extent of disapproval. These provisions are set forth below under "Proposed List of Missouri Provisions Incorporating Suspended or Remanded Federal Regulations."

This list identifies provisions the Secretary would delete from the Missouri program if he approves the remainder of the program and sets forth the extent to which each of the provisions would be disapproved.

The Secretary expects shortly to make an initial decision to approve, to approve with conditions, or to disapprove, in whole or in part, the Missouri program submission. The public comment period on the adequacy of the submission is now over. However, the Secretary is soliciting public comments at this time in order to enable the public to assist the Secretary in complying with the court's May 16, 1980, order.

Proposed List of Missouri Provisions Incorporating Suspended or Remanded Federal Regulations

1. Section 10 CSR 40-5.010(1)(A) 1 B(I), the definition of "valid existing rights,"

would be disapproved to the extent it does not allow recognition of such rights an operator may claim by having made a good faith effort to obtain all permits before 8/3/77 as stipulated by the court's decision.

2. Section 10 SCR 40–8.010 #47, the definition of "mine plan area," and the use of the term in Section 10 CSR 40–6.040 and 10 CSR 40–6.050 would be disaproved to the extent of the Court's Order regarding requirements of information outside the permit area.

3. Sections 10 CSR 40–6.040(11) and 10 CSR 40–6.050(7) requiring a permit application to contain a study of fish and wildlife and to include a fish and wildlife reclamation plan would be disapproved.

4. Section 10 CSR 40–6.040(12) would be disapproved to the extent it requires a soil survey for lands other than those which a reconnaissance inspection suggests may be prime farmland.

5. Section 10 CSR 40–7.040(4)(B) would be disapproved to the extent it allows the regulatory authority to forfeit and keep the entire amount of a bond where the entire amount is not needed to complete the reclamation.

6. Section 10 CSR 40–3.120(5) would be disapproved to the extent it requires an operator who proposes range or pasture as the post-mining land use to actually use the land for grazing for the last two years of bond liability.

7. Sections 10 CSR 40–4.030(1)(c), 10 CSR 40–4.030(5)(B), and 10 CSR 40–4.030(5)(C) would be disapproved to the extent they require an operator on prime farmland to actually return the land to crop production.

8. Section 10 CSR 40–3.120(6)(B) would be disapproved to the extent that it states than an operator's responsibility for successful revegetation is not commenced until the vegetation reaches 90 percent of the natural cover in the area.

9. Section Section 10 CSR 40–3.130 (3)(D) and (3)(I) would be disapproved to the extent it requires an operator to provide "letters of commitment" for proposed land use changes or for proposed cropland use.

10. Sections 10 CSR 40–6.060(4)(B)3 and 10 CSR 40–4.030(4)(C) concerning excessive soil compaction, would be disapproved, pending OSM's promulgation of a standard for soil compaction.

11. Sections 10 CSR 40–3.040(2)(A)1 and 7 would be disapproved to the extent they apply effluent standards to the reclamation phase of a surface coal mining operation.

12. Section 10 CSR 40–3.040(2)(B) relating to effluent standard exemptions during major storm periods, would be disapproved pending OSM's promulgation of new sediment removal regulations.

13. Section 10 CSR 40–3.040(6)(B) concerning sediment storage volume in sediment ponds, would be disapproved, pending OSM's promulgation of new requirements.

14. Section 10 CSR 40–3.040(6)(C) concerning detention time for water in sediment ponds, would be disapproved, pending OSM's promulgation of new requirements.

15. Section 10 CSR 40–3.040(6)(D) would be disapproved to the extent it requires dewatering devices to have a discharge rate to achieve and maintain the theoretical detention time for sediment ponds.

16. Section 10 CSR 40–3.040(6)(H) concerning sediment removal from sediment ponds, would be disapproved, pending OSM's repromulgation of rules.

17. Section 10 CSR 40–3.050(4)(F) requiring special approval prior to blasting within 1,000 feet of certain buildings and 500 feet of other facilities and which restricts blasting at distances greater than 300 feet, would be disapproved.

18. Section 10 CSR 40–3.08(3)(A) concerning coal processing waste banks, would be disapproved to the extent it precludes a possible exemption from the underdrain requirement where the operator can demonstrate that an alternative would ensure structural integrity of the waste bank and protection of water quality.

19. Section 10 CSR 40–3.090 concerning air resources protection, would be disapproved to the extent it applies to air pollution not caused by erosion.

20. Section 10 CSR 40–3.140 (1)–(21) concerning performance standards for three classes of roads, would be disapproved, pending OSM's promulgation of new regulations.

21. Section 10 CSR 40–8.010 #75 the definition of "roads" that is used in Sections 10 CSR 40–3.140 (1)–(21) would be disapproved, pending OSM's promulgation of new regulations.

22. Section 10 CSR 40–6.060(4)(A)8 would be disapproved to the extent that it requires prime farmland reclamation target yields to be based on estimated yields under a high level of management rather than a level of management equivalent to that used on prime farmlands in the surrounding area.

23. Section 10 CSR 40–8.070(2)(E) 1A and 1B relating to exemptions for existing structures, would be disapproved to the extent that the exemptions are not mandatory after the appropriate findings are made.

24. Section 10 CSR 40–3.130(2)(A) would be disapproved to the extent it does not allow restoration of lands to the conditions they were capable of supporting prior to any mining.

25. Sections 10 CSR 40–5.101(2)(c) and 10 CSR 40–5.010(1)(F) would be disapproved to the extent that they prohibit or restrict mining near places only eligible for listing on the National Register of Historic Places, and the words "or a statutory or regulatory responsibility for" in Section 10 CSR 40–5.010(1)(F) would be disapproved. Further, both rules would be disapproved to the extent that they apply to privately-owned places listed on the National Register of Historic Places in addition to publicly-owned places.

26. Section 10 CSR 40–7.020(2)(E)5 C would be disapproved to the extent it requires cessation of operations upon the insolvency of a surety.

27. Section 10 CSR 40–7.040(2)(C) would be disapproved to the extent that it limits bond liability to protection of the hydrologic balance

28. Section 10 CSR 40–3.110(3)(A)1 would be disapproved to the extent it does not provide operators the option of treating acid-forming and toxic-forming material in lieu of covering such materials.

29. Section 10 CSR 40–7.010(7)(D) would be disapproved to the extent that the exception the regulatory authority may grant might be from all of Section 216.

30. Section 10 CSR 40–8.070(2)(B) concerning the two-acre exemption, would be disapproved insofar as it applies to any operation by the person who affects or intends to affect more than two acres at physically unrelated sites within one year when the area affected at each site does not exceed two acres.

31. Section 10 CSR 40–5.010(1)(J) the definition of "public road," would be disapproved pending repromulgation of federal rules.

32. Section 10 CSR 40–6.060(4)(A) concerning the prime farmland grandfather clause, would be disapproved pending OSM's promulgation of new requirements.

33. Section 10 CSR 40–6.060(1)(B) would be disapproved to the extent that "or has not been" is no longer part of the definition of "irreparable damage to the environment."

Missouri Program Amendments

By a letter dated June 30, 1980 the Missouri Land Reclamation Commission amended its program submission with a letter from the Director of the Commission. The letter indicated that

the State of Missouri was incapable of implementing, administering, and enforcing the permanent regualtory program on August 1, 1980, because of a variety of administrative difficulties. The letter then requested the Secretary of the Interior to disapprove the Missouri program submission until the state is capable to administer the permanent program. The state indicated it would be able to administer the program on October 1, 1980. The letter is in the Missouri Administrative Record No. MO–144.

The second amendment dated July 3, 1980, is a letter from the Director of the Missouri Land Reclamation Commission requesting approval of eight state regulations that are analogous to regulations suspended or remanded as a result of the U.S. District Court decision discussed in the "Supplementary Information" section discussed above. The eight state regulations are as follows:

(1) 10 CSR 40/3.140(1)–(21) concerning performance standards for roads;

(2) 10 CSR 40–6.040(11) concerning submission of a fish and wildlife plan;

(3) 10 CSR 40–6.050(7) concerning submission of a fish and wildlife plan;

(4) 10 CSR 40–6.040(12) concerning soil surveys;

(5) 10 CSR 40–8.010(1)(A) 47 concerning the definition of "mine plan area";

The three state regulations below are being revised to reflect the opinion of the court.

(6) 10 CSR 40–3.050(4)(F) concerning blasting restrictions;

(7) 10 CSR 40–3.050(4)(I) concerning blasting restrictions;

(8) 10 CSR 40–6.070(1)(B) concerning the definition of "irreparable damage to the environment.

The request and justification are found in the Missouri Administrative Record No. MO–146.

The Secretary is sympathetic to Missouri's request to retain certain of the suspended or remanded regulations that the state believes are essential to its program. However, the Secretary believes that he is mandated by the District Court order to affirmatively disapprove all such regulations. Public comment is specifically invited on this issue.

Public Comment Period

The new period for public comment is necessary to allow opportunity for the public to review and comment on the Secretary's tentative determination identifying provisions in the Missouri program that incorporate suspended or remanded federal rules and formally to announce receipt of the June 30, 1980 and July 3, 1980 amendments to the Missouri program as contained in Administrative Record document No. 144 and No. 146.

With respect to the tentative determination identifying provisions in the Missouri program that incorporate suspended or remanded federal rules, the public is now invited to comment only on the accuracy of the Secretary's list of provisions of the Missouri program that incorporates suspended or remanded federal regulations and the adequacy of the proposed extent of the disapprovals. In particular, the Secretary wishes to know if other provisions should be included, or if any of those listed should not be, and to receive comments on the proposed extent of the deletions.

Public comments on the June 30, 1980 and July 3, 1980 amendments must pertain solely to the effects that the amendments would have on the existing program provisions. OSM is not soliciting public comments on those program provisions previously made available for public comment between May 23 and July 1, 1980 (45 FR 34907–34909).

Miscellaneous Findings

OSM has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on the decision on the Missouri program.

The Director of OSM has determined that this document is not a significant rule under E.O. 12044 of 43 CFR Part 14, and no regulatory analysis is being prepared on this proposed rule.

Dated July 11, 1980.

Allen O. Lockner,

Acting Regional Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 80–21365 Filed 7–15–80; 8:45 am]

BILLING CODE 4310–05–M

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Notice of Withdrawal of an Expired Proposal for Listing of the Key Mud Turtle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: As amended November 10, 1978, the Endangered Species Act mandates withdrawal of proposed rules to list species which have not been finalized within two years of the proposal. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limit has expired for the Key mud turtle (*Kinosternon bauri bauri*) which was originally proposed for listing as Endangered with Critical Habitat on May 19, 1978 (43 FR 21072–75). The Plymouth red-bellied turtle (*Chrysemys rubriventris bangsi*) which was proposed as Endangered with Critical Habitat in the same proposal was made final on April 2, 1980 (45 FR 21828–33). This notice constitutes the withdrawal of the Key mud turtle listing proposal.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the **Federal Register** not later than two years after the date of publication of the notice of the regulation proposing listing under paragraph (B)(i)(1). If a final regulation is not adopted within such two year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the **Federal Register** not later than 30 days after end of such period. The Secretary shall not propose a regulation adding to such a list any species for which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the Endangered Species Act Amendments of 1978 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment.

The two-year time limit on proposals which were established in this subsection have expired for the Key mud turtle which was proposed May 19, 1978 (43 FR 21072–75). The Key mud turtle is known to occur on several islands in the Florida Keys of Monroe County.

In accord with section 4(f)(5), the Key mud turtle proposed rule was withdrawn on May 19, 1980. This action gives notice of the withdrawal of this species which is known from the State of Florida.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16

U.S.C. 1531 et seq.: 87 Stat. 884, 92 Stat. 3751).

The primary author of this notice is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Dated: July 9, 1980.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 80–21158 Filed 7–15–80; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Parts 32 and 33

Hunting and Sport Fishing; Proposed Addition of National Wildlife Refuges to the List of Open Areas; Migratory Game Bird Hunting, Upland Game Hunting, Big Game Hunting, and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to add Las Vegas National Wildlife Refuge, New Mexico; Anahuac National Wildlife Refuge, Texas; and McFaddin National Wildlife Refuge, Texas, to the refuge areas open for migratory game bird hunting. It is proposed to add Benton Lake National Wildlife Refuge, Montana, to the areas open for upland game hunting. Harris Neck National Wildlife Refuge, Georgia; Okefenokee National Wildlife Refuge, Georgia; Swan Lake National Wildlife Refuge, Missouri; and Pee Dee National Wildlife Refuge, North Carolina, would be added to the refuges open for big game hunting. Maxwell National Wildlife Refuge, New Mexico, would be added to the refuge areas open for sport fishing. The Director has received information that this action would be in accordance with the provisions of all applicable laws, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest; and that such uses are compatible with the major purposes for which each refuge was established. Migratory game bird hunting, upland game hunting, big game hunting, and sport fishing, subject to annual special regulations, will provide additional public recreational opportunity.

DATES: Comments must be received on or before August 15, 1980.

ADDRESS Comments may be addressed to the Director, (FWS/RF), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Fowler, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Telephone 202–343–4305.

SUPPLEMENTARY INFORMATION: Ronald L. Fowler is the primary author of this proposed rulemaking. Areas within the National Wildlife Refuge System are closed to hunting or sport fishing until officially opened by rulemaking. The Director may open refuge areas to hunting or sport fishing upon a determination that such uses are compatible with the major purposes for which such areas were established and that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The proposals are as follows: A dove hunt is proposed at Las Vegas National Wildlife Refuge. At Anahuac National Wildlife Refuge, 1,531 acres would be opened to waterfowl hunting. On the McFaddin National Wildlife Refuge, 16,673 acres would be opened to waterfowl hunting. Benton Lake National Wildlife Refuge would be opened to the taking of Hungarian partridge. On the Harris Neck National Wildlife Refuge, 2,418 acres would be open to deer hunting. At Okefenokee National Wildlife Refuge, 1,500 acres would be opened to deer hunting. Deer hunts are proposed at Swan Lake National Wildlife Refuge and Pee Dee National Wildlife Refuge. Maxwell National Wildlife Refuge would be opened to sport fishing.

This action will be in accordance with provisions of all laws applicable to the areas, will be compatible with the principles of sound wildlife management, and will otherwise be in the public interest. It is the purpose of this proposed rulemaking to seek public input regarding the opening of the above cited refuges to the hunting of migratory birds, upland game, big game, and sport fishing.

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), environmental assessments have been prepared and are available for public inspection and copying at Room 2341, Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240, or by mail, addressing the Director at the address above. The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposal. All relevant comments will be considered by the Department prior to the issuance of a final rule.

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.

Accordingly, it is proposed to amend 50 CFR Parts 32 and 33 by additions in §§ 32.11, 32.21, 32.31, and 33.4 as follows:

§ 32.11 List of open areas; migratory game birds.

* * * * *

New Mexico

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Las Vegas National Wildlife Refuge

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Texas

Anahuac National Wildlife Refuge

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McFaddin National Wildlife Refuge

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§ 32.21 List of open areas; upland game.

* * * * *

Montana

Benton Lake National Wildlife Refuge

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§ 32.31 List of open areas; big game.

* * * * *

Georgia

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Harris Neck National Wildlife Refuge

Okefenokee National Wildlife Refuge

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Missouri

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Swan Lake National Wildlife Refuge

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North Carolina

Pee Dee National Wildlife Refuge

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§ 33.4 List of open areas; sport fishing.

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New Mexico

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Maxwell National Wildlife Refuge

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Dated: July 11, 1980.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80–21222 Filed 7–15–80; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 45, No. 138
Wednesday, July 16, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m., September 16, 1980, at the Federal Building, Room 7X, 301 W. Congress, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–792–6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

K. R. Weissenborn,

Forest Supervisor.

July 1, 1980

[FR Doc. 80–21166 Filed 7–15–80; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Docket 37442; Order 80–7–56]

Additional Northeast/Ohio Valley-Florida Show-Cause Proceeding; Order

Issued Under Delegated Authority July 9, 1980.

By Order 80–5–212, May 29, 1980, we deferred action with respect to the Sarasota markets in this proceeding and directed the staff to complete an environmental assessment at Sarasota. The order was accompanied by a Notice of Preparation of Environmental Assessment which was issued by the Director, Bureau of Domestic Aviation. The Notice specified that comments would be due on July 7, 1980.

On June 27, 1980, the Whitfield-Ballentine Manor Estates Airport Committee, *et al.*, intervenors, filed a motion requesting a 60-day extension of time for filing comments beyond the July 7, 1980, date set in the Notice. In support, they assert that they received on June 23, 1980, the Palm Beach Environmental Study in Docket 37588, which the Board adopted on June 17, 1980, by Order 80–6–106; additional time will be required adequately to review that Study; and review of the Palm Beach Study prior to submitting their comments is necessary due to the similarity of the Sarasota-Bradenton and West Palm Beach areas and the likelihood that many of the assumptions utilized by the staff in the Palm Beach Environmental Study will be adopted by the staff in determining the extent of the Sarasota-Bradenton Environmental Study and the methodology to be used in conducting it.

The Sarasota-Manatee Airport Authority objects to our granting a 60-day extension and suggests that we provide, instead, an additional 30 days for filing comments on the staff notice.

We have decided to grant the motion for an extension of time to file comments on our environmental assessment notice for Sarasota-Bradenton. However, we will limit the extension to 30 days from July 7, 1980, as we believe that such additional time will be sufficient for review of the Palm Beach Environmental Study, without unduly delaying the environmental assessment of Sarasota-Bradenton. We expect that the extension of time granted here will enhance the ability of the Sarasota parties to provide the staff with useful data and views with regard to the issues in this case, including the scope of the assessment.

We are issuing this order under authority delegated by the Board in its Regulations, 14 CFR 385.3 and 385.23(d).

Accordingly,

1. We extend the due date within which to file comments on the staff's Notice of Preparation of Environmental Assessment in Docket 37442 to August 6, 1980;

2. Except to the extent granted, we deny the motion of the Whitfield-Ballentine Manor Estates Airport Committee, *et al.;* and

3. We will serve a copy of this order upon all parties to this proceeding.

We will publish this order in the **Federal Register.**

Persons entitled to petition the Board for review of this order under its Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order. This order will be effective immediately and no petition for review will delay its effect.

By Barbara A. Clark, Director, Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–21182 Filed 7–15–80; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 4:00 pm and will end at 6:00 pm, on September 15, 1980, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston Massachusetts.

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 introduce the new committee members; report on Affirmative Action Project; Program planning discussion.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 11, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80–21179 Filed 7–15–80; 8:45 am]

BILLING CODE 6335–01–M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (MAC) of the Commission will convene at 2:30 p.m. and will end at 5:00, on

August 8, 1980, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston Massachusetts.

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 review progress on report from affirmative action factfind meeting.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 11, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-21177 Filed 7-15-80; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on August 8, 1980, at the Hoff and Powell, P.C., 192 College Street, Burlington, Vermont.

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 report on teacher training; report on Domestic Abuse Bill; discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 11, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-21178 Filed 7-15-80; 8:45 am]

BILLING CODE 6335-01-M

Washington 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 Washington Advisory Committee (SAC) of the Commission will convene at 10:00 am and will end at 12:00 pm, on July 29, 1980, at the City Council Chambers, 3rd Floor, County-City Building, 930 Tacoma Avenue South, Tacoma, Washington 98402.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office, 915 Second Avenue, Rm. 2852, Seattle, Washington, 98174.

The purpose of this meeting is to release the report of the Washington Advisory Committee, Equal Employment Opportunity in Tacoma area.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 11, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-21176 Filed 7-15-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Carbon Steel Products From Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, and the United Kingdom; Cases Declared Extraordinarily Complicated: Preliminary Determinations Postponed

AGENCY: U.S. Department of Commerce.

ACTION: Steel antidumping cases declared extraordinarily complicated: preliminary antidumping duty determinations postponed.

SUMMARY: This Notice informs the public that preliminary determinations as to whether sales at less than fair value of certain carbon steel products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, and the United Kingdom have occurred cannot reasonably be made by August 28, 1980. These cases have been determined to be "extraordinarily complicated cases" and the preliminary determinations are postponed until not later then October 17, 1980.

EFFECTIVE DATE: July 16, 1980.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-1777.

SUPPLEMENTARY INFORMATION: On April 17, 1980, notices initiating 29 separate "Antidumping Investigations" were published in the **Federal Register** (45 FR 26109-15). The notices stated that 29 investigations were being initiated under section 732(b) of the The Tariff Act of 1930 (93 Stat. 162, 19 U.S.C. 1673a(b)) for the purpose of determining whether certain carbon steel products including cold rolled sheet, hot rolled sheet, galvanized sheet, plate, and/or structurals from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value.

Pursuant to section 733(c)(1) of the Act (93 Stat. 164, 19 U.S.C. 1673b(c)(1)), the Department of Commerce concluded that the parties concerned are cooperating and determined that the cases are extraordinarily complicated by reason of the number and complexity of the transactions to be investigated, by reason of the novelty of issues presented in the investigations, and by reason of the number of firms whose activities must be investigated. The Department determined that additional time is necessary to make the preliminary determinations and postpones the deadline for its preliminary determinations to be no later than October 17, 1980.

These extensions are required primarily because of the complexities involved in analyzing the technical cost of production and sales data collected from the manufacturers in the industries under investigation. The volume of submissions received and the number of foreign producers who have responded to Department of Commerce questionnaires is exceptionally high. These factors necessitate postponement of the preliminary determinations.

This notice is published pursuant to section 733(c)(2) of the Act (93 Stat. 164, 19 U.S.C. 1673b(c)(2).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-21183 Filed 7-15-80; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 595]

Otto Poeschl; Order Denying Export Privileges

In the matter of Otto Poeschl, Argo Warenhandelgesellschaft, Tewifa Investment Corporation; and Hans Otto Matzenauer 6 Traklgasse 1190 Vienna, Austria, Respondents (Case No. 595).

By Order of June 12, 1963 (28 FR 6236, June 18, 1963), Otto Poeschl and his wholly owned Argo Warenhandelgesellschaft, were denied all U.S. export privileges because of their willful violations of the Export Control Act (now the Export Administration Act, 50 USC App. 2401 et seq.) in procuring American controlled electronic commodities (oscilloscopes etc.). The parties misrepresented both the end-use and the ultimate end-users of the commodities and fraudulently procured the items for unlawful reexportation and diversion to a proscribed destination in Eastern Europe.

The parties were denied all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, which are subject to the Export Administration Regulations. The prohibition extended not only to the respondents but also to their agents and employees and to any successors in interest or parties affiliated with them.

The Compliance Division, Office of Export Administration, recently submitted evidence demonstrating that Tewifa Investment Corporation is wholly owned by Otto Poeschl, and that Hans Otto Matzenauer knew or should have known of the prohibition contained in the 1963 Order. The Compliance Division showed that on divers occasions during 1977 and 1978, the respondent Poeschl, acting individually and through his controlled companies and the employee-agent Matzenauer, without authorization of the Office of Export Administration, surreptitiously and illegally purchased U.S. controlled electronic commodities, including computer memory cores for illegal exportation to proscribed destinations.

By an Order to Show Cause dated May 23, 1980, the respondents were afforded an opportunity to controvert the allegations of the Compliance Division, to show that they, in fact, were in compliance with the Export Administration Regulations and did not violate the 1963 Order. They have failed to appear or answer the Show Cause Order, or to question the truth of the allegations of the Compliance Division. Although their failure to respond may be taken as admission of the truth of the Compliance Division allegations, (and the respondents were so advised), nevertheless, I reviewed the record. I find that the allegations of unlawful activities are supported by the record.

I find that Otto Poeschl and his subsidiary companies, Argo Warenhandelgesellschaft and Tewifa Investment Corporation, as well as the employee Hans Otto Matzenauer, did violate the 1963 Order and the Export Administration Regulations, and by their unlawful acts purchased controlled electronic commodities for the purpose of resale to proscribed destinations and for possible prohibited uses.

Therefore, pursuant to the authority delegated to me, it is ordered:

Each of the above named parties is subject to restrictions and prohibitions of the June 12, 1963 Order, i.e., Otto Poeschl, companies owned and controlled by him, Argo Warenhandelgesellschaft and Tewifa Investment Corporation and Hans Otto Matzenauer are denied all U.S. export privileges; the denial period is further extended to and including May 31, 1989.

Dated July 8, 1980.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 80-21165 Filed 7-15-80; 8:45 am]

BILLING CODE 3510-25-M

Certain Industrial Electric Motors From Japan; Antidumping Hearing

AGENCY: Department of Commerce.

ACTION: Rescheduling of antidumping hearing.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-1777).

SUPPLEMENTARY INFORMATION: On June 20, 1980, the Department publishd in the **Federal Register** a "Notice of Preliminary Determination" in connection with the antidumping investigation of certain industrial electric motors from Japan (45 FR 41687). That notice stated that if an interested party requested an opportunity to present oral views in accordance with § 353.47, International Trade Administation Regulations (19 CFR 353.47, 45 FR 8204) a hearing would be held at the U.S. Department of Commerce, Room 3817, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230, beginning at 10:00 a.m., Monday, July 21, 1980.

The date and room have been changed. The hearing will be held in Room B-841 at the address shown above beginning at 10:00 a.m. on Wednesday, July 23, 1980. Prehearing briefs must be received in the Office of the Deputy Assistant Secretary for Import Administration, Room 2800 A, at the address shown above, not later than 5:00 p.m., Wednesday, July 16, 1980.

Dated: July 10, 1980.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-21163 Filed 7-15-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On February 27, 1980, Notice was published in the **Federal Register** (45 FR 12864), that an application had been filed with the National Marine Fisheries Service by Dolfinarium Harderwijk BV, Strandboulevard Oost 1, P.O. Box 114, 3820 A. C. Harderwijk, Netherlands, for a permit to take two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) and two (2) California sea lions (*Zalophus californianus*) from Mystic Marinelife Aquarium for the purpose of public display.

Notice is hereby given that on July 10, 1980, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above activities to Dolfinarium Harderwijk subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: July 10, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-21203 Filed 7-15-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Commerce Technical Advisory Board; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Thursday, July 31, 1980 from 9:30 a.m. until 5:00 p.m. and on Friday, August 1, 1980 from 9:30 a.m. until 12 o'clock Noon at the Woods Hole Study Center, National Academy of Sciences, Woods Hole, Massachusetts.

The entire meeting will be devoted to a discussion of scientific and technical information issues and policy.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be

available to the public and to the press on a first come, first served basis.

Copies of minutes and materials distributed will be made available for reproduction following certification by the Chairman, in accordance with the Federal Advisory Committee Act, in Room 3867, U.S. Department of Commerce, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230. Telephone (202) 377–5065.

Dated: July 10, 1980.

Francis W. Wolek,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 80-21164 Filed 7-15-80; 8:45 am]

BILLING CODE 3510-18-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing: Projects Approval

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, July 23, 1980, commencing at 2:00 p.m. The hearing will be a part of the Commission's regular July business meeting which is open to the public. Both the hearing and the meeting will be held at the Halls of Flags West, Sheraton Hotel, 17th and Kennedy Boulevards, Philadelphia, Pennsylvania. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Borough of Swedesboro (D–78–48 CP).* Upgrading operations at the Borough's existing sewage treatment plant in Swedesboro, Gloucester County, N.J. The modifications are designed to assure that effluent meets applicable water quality standards. About 90% of BOD will be removed from a wastewater flow of 350,000 gallons per day. Treated effluent will discharge to Raccoon Creek.

2. *Deptford Township Municipal Utilities Authority (D–79–51 CP).* A well water supply project to augment public water supplies in Deptford Township, Gloucester County, N.J. Designated as Well Number 6, the new facility is designed to yield about one million gallons per day.

3. *Jackson Township Municipal Utilities Authority (D–80–15 CP).* Expansion of existing treatment and spray field disposal facilities to service anticipated increases in park attendance at the Six Flags Great Adventure Park, Jackson Township, Ocean County, N.J. About 92% of BOD will be removed from a wastewater flow of 425,000 gallons per day. Treated effluent will be disposed of on spray irrigation fields located in the Lahway Creek Watershed.

4. *Pennsylvania Department of Environmental Resources (D–80–23 CP).* Proposed designation of the French Creek Scenic River in Berks and Chester Counties, Pa. About 22 miles of French Creek from its headwaters to the western boundary of Phoenixville, and segments of tributaries, are proposed for designation under the Pennsylvania Scenic Rivers Act.

5. *North Wales Water Authority (D–80–43 CP).* A well water supply project to augment public water supplies in the Authority's service area in the Borough of North Wales, Montgomery and Whitpain Townships and several adjacent communities in Montgomery and Bucks Counties, Pa. Previously designated as Dublin Water Company Well Number 5, this Well and all existing Dublin Water Company facilties have been acquired by the Authority which proposes to operate the well now designated as Well NW35, at a yield of approximately 230,000 gallons per day.

6. *Holy Redeemer Hospital (D–80–8).* A project to increase the capacity of the Hospital's existing sewage treatment plant in Abington Township, Montgomery County, Pa. Capacity of existing treatment facilities will be increased to accept wastewater from a 200-unit retirement village. About 96% of BOD will be removed from a sewage flow of 150,000 gallons per day. Treated effluent will discharge to an unnamed tributary of Meadow Brook, a tributary of Pennypack Creek.

7. *Wichard Sewer Company (D–80–12).* A project involving construction of sewer pumping stations and a treatment plant ot serve the County Springs Development in Horsham Township, Montgomery County, Pa. About 97% of BOD will be removed from a sewage flow of 227,000 gallons per day. Treated effluent will discharge to Park Creek, a tributary of Little Neshaminy Creek.

8. *David E. Duffield (D–80–39).* a farm irrigation project on the subject farm in Wahsington Township, Gloucester County, N.J. Authorization is sught for the withdrawal of up to a maximum of 32 million gallons per month from a pond on Duffield Run, a tributary of Mantua Creek, to irrigate 200 acres of crops during the growing season. Diversions from the pond would be limited to those periods when the residual stream flow below the point of diversion is in excess of 0.80 cubic feet per second.

9. *Country Place Waste Treatment Company, Inc. (D–80–40).* A sewage treatment plant to serve A Pocono Country Place and Smoke Ridge developments in Coolbaugh Township, Monroe County, Pa. about 95% of BOD and suspended solids will be removed from a wastewater flow of 567,000 gallons per day. Treated effluent will discharge to Dresser Run, a tributary of the East Branch of Tobyhanna Creek.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

Dated: July 9, 1980.

W. Brinton Whithall,

Secretary

[FR Doc. 80-21124 Filed 7-15-80; 8:45 am]

BILLING CODE 6360-01-M

EDUCATION DEPARTMENT

National Advisory Council on Education of Disadvantaged Children; Meetings

AGENCY: National Advisory Council on the Education of Disadvantaged Children.

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the following committees of the National Advisory Council on the Education of Disadvantaged Children.

COMMITTEE: Impacts of Inflation on Title I Service Delivery.

DATE: August 12, 1980, 9:00 a.m. to 4:30 p.m.

COMMITTEE: Educationally Disadvantaged Children With Special Needs and Dual Eligibility.

DATE: August 15, 1980, 9:00 a.m. to 4:30 p.m.

COMMITTEE: Federal Administration of Title I.

DATE: August 29, 1980, 9:00 a.m. to 4:30 p.m. This notice also describes the functions of the Council. Notice of these committee meetings is required under the Federal Advisory Committee Act (Public Law 92–463, Section 10(a)(2)).

ADDRESS: All committees will meet in the office of the National Advisory Council on the Education of Disadvantaged Children (NACEDC), 425 13th Street NW., Suite 1012, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ms. Alice S. Baum, Executive Director, NACEDC at the office address (202/724–0114).

SUPPLEMENTARY INFORMATION: The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2852) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

AGENDA: The purpose of these committee meetings is for individual committees to develop specific work agendas for report year 1980–1981.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, 425 13th St. NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on July 10, 1980.

Alice S. Baum,

Executive Director, National Advisory Council on the Education of Disadvantaged Children.

[FR Doc. 80-21120 Filed 7-15-80; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1538-7]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of September 1, 1979 and September 30, 1979.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1979 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: July 8, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Sept. 1 and Sept. 30, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
D-COE-D32011-00	Baltimore Harbor and Channel, Navigation Improvements, Maryland and Virginia	LO1	D
DS-COE-F32048-MI	Operation and Maintenance for Federal Facilities, Sault Ste. Marie, Michigan	ER2	F
D-COE-F36061-MN	Snake River, Snagging, Shelterbelt and Clearing for Flood Control, Minnesota	LO1	F
D-COE-G34034-LA	Bayou Boeuf Fabrication Yard Expansion, Morgan City, Louisiana	LO2	G
D-COE-G36075-TX	Flood Control and Major Drainage Improvements, Willacy and Hildago Counties, Texas	ER3	G
D-COE-G36077-AR	Pine Mountain Lake Construction, Lee Creek, Crawford County, Arkansas	LO2	G
D-COE-H08004-MO	Lake of Ozarks 161 kV Transmission Line, Osage River and Niangua River, Missouri Highway 5 Bridges, Camden County, Missouri.	LO1	H
D-COE-K39008-GU	Harbors and Rivers, Surface Water Development, Ugum River, Territory of Guam	ER2	J
	Department of Agriculture		
DS-AFS-A65043-CA	Fox Planning Unit, Six Rivers National Forest, Del Norte County, California	LO2	J
D-AFS-F61008-MI	Au Sable River, Wild and Scenic River Study, Huron National Forest, Tuolumne County, Michigan.	LO1	F
D-REA-E02003-AL	Coal Property Purchases of Leasehold Interest, Financial Assistance, Marion, Franklin, Winston and Lamar Counties, Alabama.	LO1	E
D-REA-F0O8007-MN	230 kV Transmission Line, Milaca, Benton County, Minnesota	LO2	F
D-REA-G07016-NM	Escalante Generating Plant, Related Transmission Facilities, McKinley County, New Mexico	ER2	G
D-REA-H07006-OO	Holcomb to Red Willow, 280 MW Coal-fired Steam Electric Generating Plant, 345 kV Transmission From Holcomb, Kansas to McCook, Nebraska (USDA-REA-EIS (ADM)-79-9).	ER2	H
D-REA-H08003-KS	Holcomb to Spearville 345 kV Transmission Facilities, Finney, Gray and Ford Counties, Kansas	LO2	H
D-REA-J07008-CO	Colorado-Ute Coal-Fired Powerplant, Craig Station Unit 3 Project, Moffat County, Colorado	LO2	I
D-SCS-F36062-OH	South Fork Licking River Watershed Plan, Licking, Perry and Fairfield Counties, Ohio	ER2	F
D-SCS-L36062-OR	Calapooya Creek Watershed, Douglas County, Oregon (USDA-SCS-EIS-WA (ADM)-79-1(D)OR).	LO2	K

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Sept. 1 and Sept. 30, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	Department of Defense		
D-UAF-G88001-NM	Holloman Air Force Base, Supersonic Flight Operations, New Mexico	LO2	G
D-USA-D11011-VA	Fort Monroe Ongoing Mission, Fort Monroe, York County, Virginia	LO2	D
D-USA-E11007-AL	Fort McClellan Ongoing Mission, Calhoun County, Alabama	LO2	E
D-USA-G11006-TX	Fort Bliss Ongoing Mission, Fort Bliss, El Paso County, Texas	LO1	G
D-USA-J26000-CO	Basin F. Containment Operation, Installation Restoration, Rocky Mountain Arsenal, Adams County, Colorado.	LO1	I
D-USN-C10002-NJ	Modernization and Expansion, Logistic Support Systems, Naval Weapons Station, Earle, Colts Neck, Monmouth County, New Jersey.	ER2	C
	Department of Energy		
D-DOE-A09803-NM	Geothermal Demonstration Program, 50 MWe Power Plant, Baca Ranch, Sandoval and Rio Arriba Counties, New Mexico.	ER2	A
D-DOE-A22075-OO	Management of Commercially Generated Radioactive Waste (DOE/EIS-0046-D)	ER2	A
D-DOW-A22076-NM	Waste Isolation Pilot Plant, Site Proposal, Eddy County, New Mexico (DOE/EIS-0026-D)	ER2	A
	Department of the Interior		
D-BIA-K60009-AZ	Secretarial Land Use Plan, Addition to the Havasupai Indian Reservation, Arizona	LO1	J
D-BLM-G03014-OO	CO2 Pipeline Project, Wasson Field, Denver Unit, New Mexico and West Texas	LO2	G
D-BLM-J07010-OO	Intermountain Power Project, Salt Wash Site, Utah, Arizona, Nevada and California	LO2	I
D-BLM-J99013-UT	Parker Mountain Grazing Management Planning Unit, Wayne County, Utah	LO1	I
D-BLM-K11019-NV	Nellis Air Force Base Bombing Range Land Withdrawal, Clark, Nye and Lincoln Counties, Nevada.	LO2	J
D-IBR-J32003-WY	Polecat Bench Area, Irrigation, Park County, Wyoming	ER2	I
D-IBR-J34010-WY	Modification of Buffalo Bill Dam, Shoshone Project, Wyoming	ER2	I
D-NPS-J61029-OO	Green and Yampa Wild and Scenic River Study, Colorado and Utah	ER1	I
	Department of Transportation		
D-FAA-H51013-MO	Kansas City International Airport, Kansas City, Platte and Clay Counties, Missouri	ER2	H
DS-FHW-A41862-OR	Clackamas Highway, OR-244 and Forest Highway 55, Oregon	LO1	K
D-FHW-B40038-MA	Revere Beach Connector, Revere, Suffolk County, Massachusetts	EU3	B
D-FHW-B40040-ME	I-395 Extension, Bangor to Brewer, Penobscot County, Maine (FHWA-ME-EIS-79-01-D)	ER2	B
D-FHW-C40041-NY	I-690, Lake Onondaga West Shore Development, Northwest Arterial, New York	LO2	C
D-FHW-E40177-SC	U.S. 17/701, Isle of Palms Connector, Charleston County, South Carolina	LO2	E
D-FHW-E40193-FL	FL-563, Lakeland North-South Route Polk County, Florida	LO1	E
D-FHW-F40133-IL	IL-785 Spur, Alton Beltline Extension, Madison County, Illinois (FHWA-IL-EIS-79-02-D)	LO2	F
D-FHW-F40135-IL	South Stony Island Avenue, Improvement East 64th Street, East 70th Street, Chicago, Cook County, Illinois.	ER2	F
D-FHW-G40072-LA	LA-14, Abbeville to U.S.-90, Upgrade, Iberia and Vernon Parishes, Louisiana	LO2	G
D-FHW-L40085-OR	OR-213, Oregon City Bypass, Cascade South Highway, OR-160 and OR-213, Clackamas County, Oregon (FHWA-OR-EIS-79-08-D).	LO2	K
D-UMT-K54005-HI	Honolulu Area Fixed Guideway Rapid Transit System, Hawaii	LO2	J
	Department of Housing and Urban Development		
D-HUD-D85019-MD	Mays Chapel Village, Baltimore County, Maryland	ER2	D
D-HUD-E85052-TN	Ridgeway Estates Subdivision, Shelby County, Tennessee (HUD-R04-EIS-78-21)	LO2	E
D-HUD-E85053-TN	Waverly Plantation Planned Community, Shelby County, Tennessee	LO2	E
D-HUD-F69002-MI	Cadillac Center Shopping Mall, Detroit, Wayne County, Michigan (CDBG)	3	F
D-HUD-F89004-WI	Capitol Centre Project, Madison, Dane County, Wisconsin	LO1	F
D-HUD-J85023-CO	Southborough Number 8, Pinehurst Planned Developments, El Paso County, Colorado	LO1	I
	Interstate Commerce Commission		
D-ICC-F53010-00	Discontinue Consolidated Rail Corporation (Conrail), Operation of Passenger Trains Nos. 453-456 Between Valparaiso, Indiana and Chicago Illinois.	ER2	F
	Veterans Administration		
D-VAD-K86008-HI	Pacific National Memorial Cemetery Master Plan, Honolulu, Hawaii	LO1	J

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Further, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action.

However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Sept. 1 and Sept. 30, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
F-COE-F32057-MI	Disposal and Maintenance Dredging, Les Cheneaux Island, Federal Navigation Channels, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F
FS-COE-G36069-LA	Grand Isle and Vicinity Hurricane Protection Project, Louisiana.	EPA's concerns were adequately addressed in the final supplement.	G
F-COE-K35001-CA, F-COE-K35010-CA.	San Quentin Landfill, Permit Application, Marin County, California; East San Rafael Baylands Development, Permit Application, Marin County, California.	The Corps of Engineers has stated that none of the proposed projects are water dependent, and the proposed projects will result in filling of wetland, EPA believes the filling of wetlands for the purpose of creating an upland site for industrial and commercial development does not constitute a water dependent activity. As such, the EPA could not agree to the issuance of a COE's section 404 permit, unless the proposed projects is in conformance with regulations 40 CFR 230 pursuant to section 404(b) of the Clean Water Act (1977).	J
	Department of Agriculture		
F-REA-F08005-OO	161 kV Transmission Line, Genoa, Wisconsin to Lansing, Iowa.	EPA's concerns were adequately addressed in the final EIS.	F
	Department of Commerce		
F-NOA-E60006-SC	South Carolina Coastal Zone Management Program	EPA's concerns were adequately addressed in the final EIS.	E
F-NOA-E64006-FL	Apalachicola River and Bay Estuarine Sanctuary, Franklin and Gulf Counties, Florida.	EPA's concerns were adequately addressed in the final EIS.	E
	Department of the Interior		
F-BLM-A02093-AK	Proposed 1979 Federal/State Oil and Gas Lease Sale, OCS, Beaufort Sea, Offshore Alaska.	EPA continues to have environmental reservations regarding the safety of activities that will ensure if the sale is held and the gravity of possible environmental impacts. EPA strongly urges the Department to select the sale alternative of deleting the sixty-one (61) tracts seaward of the barrier islands, since this area has been identified as one extremely high risk for polluting events because of ice movement and limited drilling experience. Also EPA recommends that the Department delete the eighteen (18) tracts in the Stefansson Boulder Patch which is still under study and merits further protection.	A
FS-BLM-A02106-OO	Proposed 1979 Outer Continental Shelf (OCS) Oil and Gas Lease Sales #42, Offshore North Atlantic, Georges Bank.	EPA's review found the proposal lacking specific operational controls and tract withdrawals deemed necessary. Specifically, six tracts near the head of Lydonia Canyon may impact a nutrient enrichment area with a valuable lobster fishery and certain coral species, and some of these same tracts contain unstable bottom sediments. Delaying the sale until appropriate management and boundary options are clarified also is recommended. The proposal has been considered to be unresponsive to concerns raised by EPA in the review of the draft supplement.	A
F-BLM-J01026-WY	Carbon Basin Area—Coal Leasing Application, Carbon County, Wyoming.	EPA has two major concerns: The feasibility of successful reclamation still appears doubtful, and the impact on wildlife habitat, fawning areas, strutting grounds and nesting sites appear to be very significant. These issues are expected to be resolved at the time the plan is considered for approval under SMCRA.	I
F-IBR-J39009-CO	San Luis Valley Project, Closed Basin Diversion, Colorado.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA remains concerned that this proposal could have adverse environmental problems particularly to wetlands and water quality.	I
F-IBR-L36050-WA	Bumping Lake Enlargement, Supplemental Storage Division, Yakima Project, Washington.	EPA has reviewed the proposed project and has no significant objections to the proposal pertaining to maintaining water, air, noise, solid waste, and hazardous waste quality, although this does not indicate project endorsement. Streamflow and fisheries benefits equivalent to the proposed project may be achieved by various combinations of other measures smaller in magnitude, and of considerably less adverse environmental impact than the proposed dam construction, i.e., improved water delivery and use efficiencies, diversion screens, fish ladders, etc. In addition, it is uncertain whether the primary fisheries benefits of the proposed new stored water would be available for in-stream use.	K
	Department of Transportation		
F-FAA-F51002-IN	Construction of New Runway, Indianapolis International Airport, Marion County, Indiana.	EPA continues to have environmental reservations concerning the important aspects of the air quality and noise impact assessments. EPA remains concerned that the final EIS lacks details as to the specific sites in the vicinity of the airport which are likely to experience noise problems and the specific commitment to noise mitigation measures. EPA recommends these concerns be adequately resolved before final stages of project development.	F

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Sept. 1 and Sept. 30, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
F-FHW-B40005-MA	I-95/MA-128 Interchange and MA-128, Peabody, Essex County, Massachusetts (FHWA-MASS-EIS-74-04-F).	EPA's concerns relate to the suitable replacement of land for the Peabody City sanitary landfill, consistency with the State implementation plan (SIP), and the potential danger of salt contamination to surface water as well as groundwater. The EIS could better serve the community by addressing suitable landsites in the area and recommend the need for any long term planning or land acquisiiton by Peabody to meet their municipality's solid waste requirements. EPA's determination that the final EIS is inconsistent with the Massachusetts SIP is based on the submission of revised calculations of the mesoscale analysis (air quality) conducted by the Massachusetts department of public works and this revised mesoscale analysis should be incorporated into the final EIS or otherwise included as part of the document. Diversion of runoff from the project area could result in the indirect degradation of groundwater quality along the boundaries of water ultimately receiving this runoff and should be recognized by the community in the event any future water supply development is planned adjacent to Cedar Pond, Proctor Brook, or Waters River.	B
F-FHW-D40058-VA	Berkeley Avenue Improvement, State Street to 0.026 Mile East of Marsh Street, Norfolk, Virginia.	EPA's concerns were adequately addressed in the final EIS. However, EPA continues to recommend that the area be regraded to marsh elevation to mitigate the filling of 0.43 acres of productive wetland be sprigged with *Spartina alterniflora*.	D
F-FHW-E40136-NC	U.S. 221, Marion Bypass, McDowell County, North Carolina.	EPA's concerns were adequately addressed in the final EIS.	E
F-FHW-G40069-TX	East Loop 363, U.S. 190, South of Temple to I-35, Bell County, Texas.	EPA's concerns were adequately addressed in the final EIS.	G
F-FHW-K40059-HI	HI-51, Hanamaulu to Ahukini Cutoff Road, Kauai County, Hawaii.	EPA's concerns were adequately addressed in the final EIS.	J
F-FHW-L40038-ID	State Street Corridor, 23rd Street to Broadway Avenue, Idaho (FHWA-IDA-EIS-76-03-F).	EPA continues to have environmental reservations concerning the air quality analysis involved in project construction. EPA is concerned that the project may not be consistent with the Idaho SIP. EPA is especially concerned about the project due to its proximity to the Boise downtown redevelopment project.	K
	Department of Housing and Urban Development		
F-HUD-C85014-PR	Verdemar Development Project, Humacao, Puerto Rico.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA encourages HUD to assure that noise levels are measured in detail and that effective noise mitigation is provided.	C
F-HUD-J85020-CO	Hover Acres Planned Development, Longmont, Boulder County, Colorado.	EPA's comments on the draft EIS were not incorporated in the final EIS. Therefore, EPA reiterated its concerns that the noise quality analysis was inadequate and mitigation should be planned for the development. Also EPA maintains HUD should adopt air quality control guidelines to ensure appropriate air pollution control measures in the development.	I

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Sept. 1 and Sept. 30 1979*

Identifying No.	Title	Source of review
	Corps of Engineers	
F-COE-E32021-FL	Boot Key Harbor, Navigation and Safety Improvement, Florida	E
	Department of Agriculture	
F-AFS-J65034-CO	East River Land Management, Gunnison National Forest, Colorado	I
F-REA-H08002-MO	New Madrid to Blytheville, 500 kV Transmission Facilities, Missouri	H
F-SCS-C36026-OO	Blind Brook Watershed Plan, Westchester County, New York and Fairfield County, Connecticut	C
	Department of Energy	
F-DOE-J08007-OO	Miles City-New Underwood 230 kV Electrical Transmission Line, Montana, North Dakota and South Dakota	I
	Department of the Interior	
F-IGS-J07006-MT	Colstrip Project, Right-of-Way, Rosebud County, Montana	I
	Department of Transportation	
F-FHW-B40029-VT	Burlington Southern Connector, I-189 to Battery Street, Burlington, Chittenden County, Vermont	B
F-FHW-H40077-IA	IA-14, East High Street to East Linn Street, Marshall County, Iowa	H
F-FHW-H40082-IA	Dubuque North-West Arterial, U.S. 20 to U.S. 52/IA-3, Dubuque County, Iowa	H
	Department of Housing and Urban Development	
FS-HUD-E89011-SC	Charleston Center, Charleston (UDAG), Charleston County, South Carolina	E
F-HUD-J85019-CO	Mesa Development, Hampden Hills, Aurora, Arapahoe County, Colorado	I
	Nuclear Regulatory Commission	
F-NRC-A00133-OO	Handling and Storage of Spent Light Water Power Reactor Fuel	A

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Sept. 1 and Sept. 30, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Department of the Interior		
A-IBR-A86152-OO	National Environmental Policy Act, Revised Implementing Procedures (44 FR 47627).	EPA is concerned that changes in cumulative impacts resulting from changes in project design are not addressed in subsequent "unit" EIS. EPA feels that the class of actions detailed in section 9.4B should not be categorically excluded from the NEPA environmental review procedures. EPA suggests deleting section 9.4B and determining the need for an EIS on this class of actions on a case-by-case basis. EPA also suggests that the IBR consider including a cost-benefit analysis in their environmental impact statement.	A
	Federal Energy Regulatory Commission		
R-FRC-A86154-OO	18 CFR Parts 2 and 3d, Regulations Implementing the NEPA Act of 1969 (44 FR 50052).	EPA strongly objects to the provisions in sections 3d.14 and 3d.10(e) which require commentors to intervene formally in FERC proceedings for their comments to be considered in the Commission's decisionmaking process. EPA feels that this requirement is contrary to the purposes of NEPA and would impose unjustified burdens on those persons wishing to comment on draft EIS issued by FERC.	A
	Department of Housing and Urban Development		
A-HUD-C3B001-NY	Woodlawn Drainage Project (CDBG), Schenectady, New York.	EPA reviewed the proposed document with the understanding it was a draft EIS and rated the proposal as an ER-2 and some time after the issuance of EPA's comments it was discovered the document was not an EIS. EPA's comments addressed the destruction of valuable wetlands, the need for a regional flood control program, and the need for additional alternatives which may be more environmentally preferrable.	C
	Veterans Administration		
R-VAD-A86153-OO	38 CFR Part 26, Environmental Effects of VA Actions (44 FR 48281).	EPA has no objections to the procedures, as proposed	A

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.
B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.
D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30308.
F. Director of Public Affairs, Region 5, Environmental Protection Agency 230 South Dearborn Street, Chicago, Illinois 60604.
G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.
H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.
J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.
K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 80-21157 Filed 7-15-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL-1539-1]

Fuels and Fuel Additives; Withdrawal of Applications for Waivers of Prohibition Set Forth in Section 211(f) of Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Conservation Consultants of New England, Inc. (hereinafter "Conservation") had submitted four applications for waivers of the section 211(f) prohibition set forth in the Clean Air Act (Act). Notice of receipt of these applications by EPA was published in the **Federal Register** on April 4, 1980 (45 FR 23064) and April 29, 1980 (45 FR 38484). Conservation has withdrawn three of its applications for waivers. The withdrawn applications for waivers pertain to the following:

(1) A mixture of 10 percent, by volume, of methanol/ethanol blend into 90 percent, by volume, unleaded gasoline. The methanol/ethanol blend consists of 80 percent, by volume, methanol and 20 percent, by volume, ethanol.

(2) A mixture of 15 percent, by volume, of methanol/ethanol blend into 85 percent, by volume, unleaded gasoline. The methanol/ethanol blend consists of 2:1 ratio of methanol to ethanol.

(3) A mixture of 10 percent, by volume, of methanol blend (minimum 99 percent pure) into 90 percent, by volume, unleaded gasoline.

PUBLIC DOCKET: Copies of information relative to fuels (1) and (20 are available for inspection in public docket EN-80-7 and copies of information relative to fuel (3) are available for inspection in public docket EN-80-5 at the Central Docket Section (A-130) of the Environmental Protection Agency, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: James J. Kohanek, Attorney/Advisor, Field Operations and Support Division (EN-397), EPA, 401 M Street, S.W.,

Washington, D.C. 20460, at (202) 472–9367.

SUPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer of fuel or fuel additive to first introduce or to increase the concentration in use of any fuel or fuel additive for general use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of EPA, upon application of any fuel or fuel additive manufacturer, may waive the prohibition set out in section 211(f)(1), if he determines that the applicant has established that such fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or a specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance with the emission standards with respect to which it has been certified pursuant to section 206 of the Act.

Conservation has submitted three applications for waivers covering three mixtures of methanol and ethanol to be blended into unleaded gasoline at various concentrations and one application for a waiver to blend methanol into unleaded gasoline. Notice of receipt of these applications were published in the **Federal Register** of April 4, 1980 (45 FR 23064) and April 29, 1980 (45 FR 28484). Conservation has subsequently withdrawn three of the four applications. The withdrawn applications were:

(1) A mixture of 10 percent, by volume, of methanol/ethanol blend into 90 percent, by volume, unleaded gasoline. The methanol/ethanol blend consists of 80 percent, by volume, methanol and 20 percent, by volume, ethanol.

(2) A mixture of 15 percent, by volume, of methanol/ethanol blend into 85 percent, by volume, unleaded gasoline. The methanol/ethanol blend consists of a 2:1 ratio of methanol to ethanol.

(3) A mixture of 10 percent, by volume, of methanol blend (minimum 99 percent pure) into 90 percent, by volume, unleaded gasoline.

Conservation, or any other manufacturer, is free to resubmit an application for a waiver for any or all of these mixtures.

Dated: July 8, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 80-21155 Filed 7-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1538-8]

NSPS Applicability Determination for the Schiller Station Power Plant of New Hampshire

Notice is hereby given that on March 21, 1980 the Environmental Protection Agency determined that boiler units #4, 5, and 6 of the Schiller Station Power Plant are not subject to NSPS subpart Da for Electric Utility Steam Generating Units (44 FR 33580, June 11, 1979), nor subject to NSPS subject D for Fossil-Fuel Fired Steam Generators (36 FR 24876, December 23, 1971).

The Public Utilities Commission in New Hampshire is considering converting units #4, 5, and 6 from oil to coal burning. EPA's Division of Stationary Source Enforcement, with the concurrence of the Office of Air Quality Planning and Standards, has determined that the boiler conversions are not considered modifications. The boilers are exempt from subpart Da because the units were originally designed to fire liquid fossil fuel, and are now accommodating the use of another fuel (coal). The boilers are not subject to subpart D because the units, now considering coal burning, were coal capable prior to August 17, 1971.

Dated: July 8, 1980.

William R. Adams Jr.,

Regional Administrator, Region I.

[FR Doc. 80-21156 Filed 7-15-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-3516-3]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. T-3516-3 is the third amendment to a container yard lease between the Port of Seattle and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui-O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Ltd., Showa Line, Ltd., and Yamashita-Shinnihon Steamship Company, Ltd. The purpose of this amendment is to increase the lessee's monthly amortization payments for additional improvement costs as well as for additional temporary rental of four yeard tractors. The only proposed use of energy by the tractors and effect on the environment will be minimal. Accordingly, the Commission's final resolution of Agreement No. 3516-3 will cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5835. Interested parties may comment on the environmental assessment on or before August 5, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80-21216 Filed 7-15-80; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3906]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. T-3906, between Bethlehem Steel Corporation (Bethlehem) and Shippers Stevedoring Company (Shippers), provides for the lease to Shippers of 48 acres of land and certain buildings at Bethlehem's Jacintoport property located in Harris

County, Texas, for use in Shippers stevedoring and general warehousing operations. As compensation, Shippers will pay a monthly rental ranging from $10,417 to $14,776, according to a payment schedule set forth in the agreement. Shippers further agrees to making certain improvements to the facility and guarantees a minimum wharfage income to Bethlehem of $200,000 for each of the first two years of the lease and $340,000 for each of the remaining five years of the lease. The OEA's major environmental concern was whether the improvements to be made by Shippers would significantly increase energy usage and/or affect the quality of the air, water, noise and biological environment.

The OEA has determined that the Commission's final resolution of Agreement No. T-3906 will cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may comment on the environmental assessment on or before August 5, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80-21217 Filed 7-15-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 80-47]

Luigi Serra, Inc., v. Sea-Land Service, Inc.; Filing of Complaint and Assignment

Notice is hereby given tha a complaint filed by Luigi Serra, Inc., against Sea-Lnad Service, Inc. was served July 10, 1980. Complainant alleges that it has been subjected by respondent to the payment of ocean freight charges in excess of those quoted prior to shipment in violation of sections 17 and 18(b)(5) of the Shipping Act, 1916.

This proceeding has been assigned to Chief Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is sush that an oral hearing and cross-examinatoin are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 80-21215 Filed 7-15-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Privacy Act of 1974; Modification of Systems of Records

Pursuant to the Federal Trade Commission ("Commission") delegation of authority to its General Counsel, which is published at 40 FR 56983 (1975), the General Counsel hereby amends the system notices for eight systems. They are FTC-2, 22, 28, 33, 39, 46, 49 and 51. The most recent notice for these systems appears at 45 FR 1274 (1980). The changes are published below.

FTC-2

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

All individuals formally requesting information from, or submitting complaints to, the Federal Trade Commission (including regional offices) in writing; staff members assigned to respond to correspondence.

* * * * *

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Records are retained in the Comnet computer after a response to the correspondence has been made, then purged from the system after the nonpersonal data has been added to a statistical accounting file. The nonpersonal statistical data accumulated in the computer since October 1977 is retrievable from the computer.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Correspondence Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

* * * * *

FTC-22

SYSTEM NAME:

Disciplinary Action Investigatory Files-FTC.

SYSTEM LOCATION:

Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

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SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Records Management Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

* * * * *

FTC-28

SYSTEM NAME:

Investigational, Legal and Public Records-FTC.

SYSTEM LOCATION:

Records Division, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. (Record Center, Suitland, Maryland).

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Records Management Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

* * * * *

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. § 552a(k)(2), records in this system generally are exempt from the requirements of Subsection (c)(3), (d), (e)(1), (e)(3), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. § 552a. See Section 4.13(m) of the Federal Trade Commission's Rules of Practice, 16 CFR 4.13(m).

FTC-33

SYSTEM NAME:

Preliminary Investigation Files-FTC.

SYSTEM LOCATION:

Indiana Building, 633 Indiana Avenue, N.W., Washington, D.C. 20580.
Star Building, 1107 Pennsylvania Avenue, N.W., Washington, D.C. 20580.
Gelman Building, 2120 L Street, N.W., Washington, D.C. 20580.
Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20580.
M Street, N.W., Washington, D.C. 20580.

Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.
Atlanta Regional Office, 1718 Peachtree Street, N.W., Atlanta, Georgia 30309.
Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114.
Chicago Regional Office, 55 East Monroe Street, Chicago, Illinois 60603.
Cleveland Regional Office, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.
Dallas Regional Office, 2001 Bryan Street, Suite 2665, Dallas, Texas 75201.
Denver Regional Office, 1405 Curtis Street, Suite 2900, Denver, Colorado 80202.
Los Angeles Regional Office, 13209 Federal Building, 11000Wilshire Boulevard, Los Angeles, California 90024.
New York Regional Office, 2243–EB Federal Building, 26 Federal Plaza, New York, New York 10007.
San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102.
Seattle Regional Office, Federal Building, 28th Floor, 915 Second Avenue, Seattle, Washington 98174.

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SYATEM MANAGER(S) AND ADDRESS:

Supervisor, Records Management Branch, Office of the Secretary or the Regional Director of the respective Regional Office. (See addresses listed under system location above.)

FTC–39

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SYSTEM NAME:

Staff Adivsory Opinion Records-FTC

SYSTEM LOCATION:

Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C., 20580.

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SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Public Reference Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

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FTC–46

SYSTEM NAME:

Applications for Clearance to Participate in FTC Proceeding from Former Employees and the Commission's Responses Thereto-FTC.

SYSTEM LOCATION:

Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C., 20580.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the public. Used also by the Commission's Correspondence Branch staff to track the processing of clearance requests by the Commission. Other Commission staff use the records to make recommendations and determinations on new applications for clearance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in binders and on microfilm in the Public Reference Room.

RETRIEVABILITY:

Indexed by the name of the applicant, by the name of the investigation or proceeding, and by date.

SAFEGUARDS:

Maintained in a lockable office.

RETENTION AND DISPOSAL:

Maintained from January 1, 1969; no present disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Public Reference Branch, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C., 20580.

* * * * *

FTC–49

SYSTEM NAME:

Freedom of Information Act Requests and Appeals and the Commission's Responses Thereto-FTC.

SYSTEM LOCATION:

Records Division, Office of the Secretary and Office of the General Counsel, Room 551, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff of the Secretary's Office, General Counsel's Office and Bureaus of the Commission to make recommendations and determinations in response to Freedom of Information Act requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the Freedom of Information Act. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Request and appeal letters and agency responses thereto are available to the public for inspection and copying.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

1. Copies of request and appeal letters and agency responses thereto are stored in binders in the Public Reference Room (available to the public).

2. Original request letters, copies of waiver of fees requests, copies of appeal letters (if any), and agency responses thereto are stored in folders in lockable file cabinets in the Freedom of Information and Privacy Act Branches of the Information Division.

3. Original appeal letters, copies of request letters, and agency responses are stored in folders in lockable file cabinets in General Counsel's Office; automated data stored on magnetic disc.

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SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, FOIA/GA Branch, Office of the Secretary, and Assistant to the General Counsel, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C., 20580.

* * * * *

SYSTEM NAME:

Privacy Act Requests and Appeals–FTC.

SYSTEM LOCATION:

Information Division, Office of the Secretary and Office of the General Counsel, Room 521, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, FOIA/PA Brance, Office of the Secretary and Assistant Genergal Counsel for Legal Counsel, Federal Trade Commission (address same as System location above).

FTC–54

SYSTEM NAME:

Discrimination Complaint System–FTC

SYSTEM LOCATION:

Office of Equal Employment Opportunity Director, Room 411, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and Current FTC Employees and Applicants For Employments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Complaint File

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 717 of Title VII of the Civil Rights Act of 1964, as amended, and 29 CFR 1613.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to resolve issues related to discrimination because of race, national origin, religion, sex, age, and physical or mental handicap presented in formal complaints and used to make reports to OMB. MSPB and EEOC.

Disclosure of information from individual discrimination complaint files is limited to the complainant, his/her representatives, agency representatives involved in the proceeding, and the EEO staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Stored in lockable file cabinets.

RETRIEVABILITY:

Generally indexed by name of the complainants.

SAFEGUARDS:

Access restricted to Commission's Equal Employment Opportunity staff and parties concerned in any related proceeding.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEMS MANAGER(S) AND ADDRESS:

Equal Employment Opportunity Director, Room 411, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

By mailing or delivering a written request bearing the individual's name as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CONTESTING RECORD PROCEDURE:

By mailing or delivering a written request bearing the individual's name as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–55

SYSTEM NAME:

Consumer Education Mailing List–FTC

SYSTEM LOCATION:

Bureau of Consumer Protection, Federal Trade Commission, Room 668, 600 E Street, N.W., Washington, D.C. 20580.

Comnet, Inc., 5182 MacArthur Blvd., N.W., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and organizations who have expressed an interest in receiving Commission consumer education material and who are in a position to share the information with consumers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, title, organization, mailing address and telephone number in most case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to mail consumer education material to individuals and organizations in the best position to disseminate the information to consumers.

Used by staff members of the Bureau of Consumer Protection. Most of the mailing lists are available to the public for inspection and copying with the exception of lists that are exempt from disclosure under 5 U.S.C. Sec. 552.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Letter size files in filing cabinet and computer disc files.

RETRIEVABILITY:

Indexed by name, name of organization, by zip code, and by list category.

SAFEGUARDS:

Secured as are other files in the Bureau of Consumer Protection by being in a closed drawer in a building with guards stationed at the building entrance. Access limited to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained indefinitely for future reference, updating and mailing.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Consumer Education, Bureau of Consumer Protection, FTC, Room 660, Bicentennial Bldg., 600 E Street, N.W., Washington, D.C., 20580.

NOTIFICATION PROCEDURE:

By mailing of delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C., 20580.

RECORD ACCESS PROCEDURES:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C., 20580.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

Carol M. Thomas,

Secretary.

[FR Doc. 80–21323 Filed 7–15–80; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Senior Executive Service Performance Review Board Membership

Section 4314(c)(4) of the Civil Service Reform Act of 1978, Pub. L. 95–454, requires that the appointment of Performance Review Board members be published in the **Federal Register.**

The following persons will serve on the Performance Review Boards or Panels which oversee the evaluation of performance appraisals of Senior Executive Service Members of the Department of Health and Human Services:

Federal Performance Review Board Members

Clifford Allen	Edwin D. Becker
William H. Aspden, Jr.	Peter J. Bersano
Gerald T. Barkdoll	John Blamphin

James Bloom
Frederick Bohen
Joseph Boutwell
Phillip Brachman
Robert Brown
John H. Bryant
John Calhoun
Ronald H. Carlson
Charles E. Carter
Vivian Chang
Thomas Chase
Lois Chatham
Wilbert A. Cheatham
J. Richard Crout
Martin N. Cummings
Irvin Cushner
Winthrop Davey
Karen Davis
William A. Dobbs
Carl D. Douglass
Walter Dowdle
Isabel Dunst
James Eagen
John C. Eberhart
John Elsbree
James H. Erickson
Joseph N. Exendine
Jacob J. Feldman
Florence Fiori
William Gemma
Martin J. Gleason
Robert Goldberger
Donald Gonya
John C. Greene
Richard Greulich
Albert Hamlin
Ruth Hanft
Elliott Harris
Thomas Hatch
Donald C. Healton
Joseph R. Held
Lawrence Hendricks
Barbara Holland
Donald Hopkins
Vince L. Hutchins
Robert A. Israel
Emery Johnson
Robert Kaiser
David F. Kefauver
John H. Kelso
John D. Kennedy
Randolph S. Kinder
Ruth Kirschstein
Wallace Kountze
Richard M. Krause
Carl Kupfer
Louis LaMotte
Michael Lane
James D. Lawrence
Joseph R. Leone
Robert I. Levy
Aaron Lieberman
Mortimer B. Lipsett
James Mahoney
Thomas Malone
Dorothy H. Mann
Harold Margulies
John E. Marshall
Edward D. Martin
Warren Master
Robert McClernan
Gerald Meyer
Don Millar
Laura Miller
Sanford A. Miller
Bryan B. Mitchell
Edward J. Montminy
Joseph Mottola
Thomas P. Murphy
Michael W. Murray
Edward E. Nicholas, Jr.
Lulu Mae Nix
Mark Novitch
Marie U. Nylen
Gregory T. O'Conor
Robert O'Connor
Jack Orloff
Ernest Osborne
Joseph G. Perpich
Howard G. Phansteil
Julie G. Ponquinette
Arnold Pratt
Jane Presley
Alan S. Rabson
Joseph E. Rall
William F. Raub
Darrel A. Regier
Anthony Robbins
Robert Roberton
Roslyn Robinson
Gerald Rosenthal
Jay T. Sanford
Kennety W. Sell
Robert F. Sermier
Richard Shute
James Sidbury, Jr.
Clay Simpson
Vivian Smith
Wray Smith
Helen L. Smits
Virginia Smyth
James Solomon
Walter Statham
Dewitt Stetten, Jr.
James Stockdill
Raymond J. Sumser
Michio Suzuki
William Toby
Lorraine Torres
Donald B. Tower
Robert L. Trachtenberg
John Trout
John C. Villforth
James Walsh
Janice Warden
William Watson, Jr.
Storm Whaley
William J. White
Jack Wicklein
Paul R. Willging

Non-Federal Performance Review Board Members

Jeffalyn Johnson
James Mason
Essex Noel, III

Dated: June 30, 1980.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 80-21299 Filed 7-15-80; 8:45 am]

BILLING CODE 4110-12-M

Alcohol, Drug Abuse and Mental Health Administration

National Institute on Alcohol Abuse and Alcoholism; Cooperative Agreement with Rutgers University

AGENCY: National Institute on Alcohol Abuse and Alcoholism.

ACTION: Notice of intent to convert a contract to a cooperative agreement.

SUMMARY: The National Institute on Alcohol Abuse and Alchoholism intends to convert a contract with the Center for Alcohol Studies, Rutgers University, New Brunswick, New Jersey, to a cooperative agreement.

FOR FURTHER INFORMATION CONTACT: Ms. Terry Bellicha, National Institute on Alcohol Abuse and Alcoholism, Room 14C-20, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-3860

SUPPLEMENTARY INFORMATION:

Cooperative Agreement: The National Institute on Alcohol Abuse and Alcoholism (NIAAA) intends to convert a current contract with the Center for Alcohol Studies, Rutgers University, New Brunswick, New Jersey, hereafter referred to as the Center, to a cooperative agreement.

An application will be considered from Rutgers University for a period of support of up to five years. The application will be reviewed by a peer review group, composed of experts in the field, to assess its technical merit. Also, the application will be reviewed by the National Advisory Council on Alcohol Abuse and Alcoholism.

The cooperative agreement will provide financial assistance to support the program titled "Documentation of the World Scientific Alcohol Literature" at the specialized library of the Center. The cooperative agreement will support only one of the three major program areas of the Center: that of publications and information dissemination.

NIAAA has determined that the purpose of this activity is principally assistance to accomplish a public purpose of support.

The NIAAA has further determined that there is a need for substantial Federal staff involvement in the areas of development, direction, and coordination of the Center's information activities, especially in the areas of acquisition of the scientific and technical literature, abstracting, data base services, and publications.

Because there is a need for substantial Federal staff involvement and because the purpose of this activity is principally assistance to accomplish a public purpose of support, in accordance with the provisions of the Federal Grant and Cooperative Agreement Act of 1977, NIAAA has concluded that a cooperative agreement is the appropriate assistance instrument for this activity.

Rutgers Center of Alcohol Studies: The Center acquires, organizes, and disseminates the world's scientific and technical bibliographic, numeric and textual information on alcohol. The Center systematically acquires English and foreign language materials related to alcohol from all disciplines, including medicine, physiology, biochemistry, psychology, sociology, anthropology, economics, education, and law. These materials, ranging from journal articles and books to technical reports and dissertations, are abstracted, indexed, and incorporated into the Center's resources. Researchers, scholars, clinicians and other interested parties are provided a wide variety of means for retrieving the information.

In evolving its system for processing and classifying the growing body of alcohol-related information, the Center has developed a set of unique operational instruments, products and publications. These include: an extensive Master Catalog of all relevant alcohol literature from world-wide sources; a specialized *Journal of Studies on Alcohol,* including original articles and current literature abstracts; the Classified Abstract Archive of the Alcohol Literature (CAAAL) consisting of detailed abstracts of about 20,000 alcohol-related scientific documents; the McCarthy Memorial Collection containing full-text originals of the documents abstracted in CAAAL; the Connor Alcohol Research Reference Files of questionnaires, interview schedules and survey forms used in research on alcoholism; and other scholarly books, monographs and bibliographies.

The Center was originally established in the early 40s at Yale University as one of the first institutions to devote itself entirely to the study of alcohol and its effects on human functioning and behavior. In 1962 the Center moved to Rutgers University where it was designated one of the University's five research institutes. From the outset, the Center was known for its comprehensive and interdisciplinary scope and it is recognized by scholars and scientists as an authoritative source

of information on all aspects of alcohol, alcohol abuse, and alcoholism. The special nature of the Center's historic collections and its authoritative position in the alcoholism field make the Center a unique resource for carrying out the program activities to be supported by the cooperative agreement.

Dated: July 9, 1980.

Robert Trachtenderg,

Acting Administrator, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 80-21168 Filed 7-15-80; 8:45 am]

BILLING CODE 4110-88-M

Health Services Administration

Assistance Under the Social Security Act Maternal and Child Health and Crippled Children's Services Project Grants to Institutions of Higher Learning; Announcement of Availability

The Bureau of Community Health Services, Health Services Administration, announces that competitive applications are now being accepted for grants in fiscal year 1980 for nonrecurring, short-term projects for workshops, conferences or institutes relating to Maternal and Child Health and Crippled Children's (MCH–CC) Services. The amount available for new MCH–CC grants under this announcement is approximately $200,000. It is anticipated that 15 grants will be awarded.

The Secretary of Health and Human Services, under the authority of sections 503(2), 504(2), and 511 of the Social Security Act (42 U.S.C. 703(2), 704(2) and 711) (Catalog of Federal Domestic Assistance numbers 13.232, 13.211 and 13.233) will make grants for MCH–CC projects to institutions of higher learning as defined in the applicable regulation. See Subpart D of 42 CFR Part 51a.

Grants to eligible applicants may be made by the Secretary for projects which will, in her judgment, best promote the purposes of sections 503(2), 504(2), and 511 of the Act. Factors which will be considered by the Secretary are set forth in the program regulation at 42 CFR 51a.406 (a) and (b).

The Secretary will also consider the degree to which the project meets the requirements set forth in the applicable regulation at 42 CFR 51a.405.

These projects are not subject to A–95 clearinghouse review.

Applications will consist of a brief narrative describing the purpose of the proposed program, its setting, available resources, required resources, the methodology by which it will be conducted, a budget and relevant supportive materials. See 42 CFR 51a.404. Application kits, instructions, and information regarding the specific priority areas for funding are available from:

Research and Training Services Branch, Bureau of Community Health Services, Health Services Administration, Parklawn Building, Room 7–44, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301 443–2340.

Consultation and technical assistance relative to the development of an application are also available from the above-named office upon request.

Completed applications must be received at the address below by August 15, 1980, and will be subject to competitive, objective review:

Grants Management Branch, Bureau of Community Health Services, Health Services Administration, Parklawn Building, Room 6–49, 5600 Fishers Lane, Rockville, Maryland 20857.

Applications not received by August 15 will not be accepted for review.

Dated: July 3, 1980.

George I. Lythcott,

Administrator.

[FR Doc. 80-21167 Filed 7-15-80; 8:45 am]

BILLING CODE 4110-84-M

Maternal and Child Health Research Grants Review Committee; Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, (5 U.S.C. Appendix I), the Health Services Administration announces the renewal by the Secretary, HHS, on June 26, 1980, with the concurrence by the General Services Administration, of the following advisory committee:

Committee and Termination Date

Maternal and Child Health Research Grants Review Committee: June 30, 1982

Authority for this committee will expdire on the date indicated, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 9, 1980.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 80-21122 Filed 7-15-80; 8:45 am]

BILLING CODE 4110-84-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

Notice is hereby given in accordance with Section 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet on August 6–7, 1980. The meeting will be held in Tarrytown and Ossining, New York, in conjunction with a field trip to view State and local preservation planning and projects. On Wednesday, August 6, the meeting will convene at 9:00 a.m., at Lyndhurst, 635 South Broadway, Tarrytown, New York, and will recess at 1:00 p.m. The second session will be held in the Morosco Room, Westchester Inn, 321 North Highland Avenue, Ossining, New York, beginning at 9 a.m., August 7.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Secretaries of the Interior; Housing and Urban Development; Commerce; Treasury; Agriculture; Transportation; State; Defense; Health, Education and Welfare; and the Smithsonian Institution; the Attorney General; the General Services Administrator; the Chairman of the Council on Environmental Quality; the Chairman of the Federal Council on the Arts and Humanities; the Architect of the Capitol; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; and twelve non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Statement by the Chairman

II. Report of the Executive Director

III. Report of the General Counsel

IV. Presentation of New York State Preservation Planning by the State Historic Preservation Office

V. Report of the Office of Cultural Resource Preservation

VI. Report of Panel on Mountain Home VA Medical Center

VII. Report of the Office of Policy and Program Development

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW, Washington, D.C. 20005, 202–254–3967.

Dated: July 10, 1980.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 80-21126 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Multiple Use Advisory Council; Meeting

July 7, 1980.

AGENCY: Bureau of Land Management, Interior.

ACTION: Multiple Use Advisory Council; Meeting.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Moab District Multiple Use Advisory Council will be held on Thursday, August 14, 1980 at 10 a.m., at the Bureau of Land Management Office, 125 West Second South, Moab, Utah 84532.

Agenda for the meeting will include:

1. Introduction and biographical sketch of members;
2. Discussion of the function of the Council;
3. Briefing and discussion of Moab District programs by resource areas, to include, but not be limited to, the Wilderness Study Area proposals, the Price River Environmental Statement and the Grand Area Resource Management Plan;
4. Current sensitive issues;
5. Establishment of committees;
6. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by August 7, 1980. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty days following the meeting.

S. Gene Day,

District Manager.

[FR Doc. 80-21125 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Receipt of Proposed Development and Production Plan

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 Exxon Company U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4001, Block 173, South Timbalier 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 8, 1980.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 80-21169 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

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 Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3258, 3259, and 3260, Blocks 81, 82, and 92, 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 8, 1980.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 80-21170 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

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 1026, Block 241, Ship Shoal 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 8, 1980.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 80-21171 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

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 Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1196, Block 61, South Marsh Island 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 become 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: July 8, 1980.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 80-21172 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

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 Texaco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3569, Block 294, Eugene Island 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 become 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: July 8, 1980.

E. A. March,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 80-21173 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

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 Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2007 and OCS–G 3385, Blocks 513 and 528, 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 8, 1980.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 80-21174 Filed 7-15-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held at Colina Elementary School, 1500 Hillcrest Drive, Thousand Oaks, CA., on Wednesday, July 23, 1980 at 9:30 a.m.

The Advisory Commission was established by Public Law 95–625 to provide for free exchange of ideas between the National Park Service and the public and to facilitiate the solicitation of advice of other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Dr. Henry David Gray
Ms. Mary C. Hernandez
Mr. Mike Levett
Ms. Susan Barr Nelson
Mr. Carey Peck
Ms. Marilyn Whaley Winters

The major agenda items include a status report of Santa Monica Mountains National Recreation Area, discussion of procedures and by-laws, Interim Management and Use Guidelines Committee report, General Management Plan update, and Land Acquisition update.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statement may contact the Superintendent, Santa Monica Mountains National Recreation Area, 23018 Ventura Boulevard, Woodland Hils, CA 91364.

Minutes of the meeting will be available for public inspection by August 25, 1980 at the above address.

Dated: June 27, 1980.

Robert S. Chandler,

Superintendent, Santa Monica Mountains National Recreation Area.

Dated: July 8, 1980.

John H. Davis,

Regional Director, Western Region.

[FR Doc. 80–21149 Filed 7–15–80; 8:45 am]

BILLING CODE 4310–70–M

Water and Power Resources Service

Contract Negotiations With the Truckee-Carson Irrigation District; Intent to Negotiate an Emergency Loan Repayment Contract

The Department of the Interior, through the Water and Power Resources Service, intends to initiate negotiations with the Truckee-Carson Irrigation District (TCID), Fallon, Nevada, for repayment of an emergency loan covering the cost of cleaning and restoring the capacity of the T Canal, Newlands Project. The contract will be negotiated pursuant to the Emergency Fund Act of 1948 (43 U.S.C. 503) and section 9(d) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(d)).

The Newlands Project was authorized in 1903 pursuant to the Reclamation Act of 1902. The project is located in west-central Nevada and receives its water from the Truckee and Carson Rivers. In 1926, the United States executed a repayment contract with Truckee-Carson Irrigation District consolidating individual water right obligations into a district obligation and transferring operation and maintenance of the project to the district.

In 1905, the T Canal of the Newlands Project was constructed by cut and fill of the natural soil to serve some 5,000 acres of the North Carson Division. The canal originates at the Carson River Diversion Dam which is located approximately 5 miles downstream from Lahontan Dam. During the 1979 irrigation season, water users along the T Canal experienced delays in on-farm deliveries of 10 to 15 days. To avoid interruption in water service during the 1980 irrigation season, the T Canal had to be repaired. On January 10, 1980, $121,000 in emergency funds were authorized for use by the district to clean and restore the capacity of 11.7 miles of the T Canal. The district has since completed the emergency work and most of the funds have been expended. It is now necessary to negotiate a contract with the district to secure repayment of the expended funds.

All meetings scheduled by the Water and Power Resources Service with TCID for the purpose of discussing terms and conditions of the proposed repayment contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meeting. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. Unless significant public interest is evidenced in response to this notice, the availability of the proposed contract shall not be formally publicized. The Commissioner of the Water and Power Resources Service will review comments submitted and based on the number, source, and nature of the comments, he will decide whether to hold a public hearing on the proposed contract.

For further information on scheduled negotiating sessions and the proposed contract, please contact Mrs. Betty Riley, Repayment Specialist, Division of Water and Power Resources Management, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825, telephone number (916) 484–4620.

Dated: July 9, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80–21123 Filed 7–15–80; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: July 11, 1980.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, non-exempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have a bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are

in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Agricultural Marketing Carriers Association, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 11100 S. Mt. Vernon, Colton, CA 92324.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 11100 S. Mt. Vernon, Colton, CA 92324.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): W. J. Thompson, 11100 S. Mt. Vernon, Colton CA 92324.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Agway Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Box 4933, Syracuse, NY 13221.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 333 Butternut Drive, De Witt, NY 13221.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): R. E. Hallock, Box 493, Syracuse, NY 13221.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21152 Filed 7-15-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; 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 the date of this publication 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 on or before August 15, 1980 (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: June 26, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC F-14379F, filed April 25, 1980. NATIONAL TRUCKING, INC. (National) (9775 Hemlock Lane, Garrettsville, OH 44231)—PURCHASE—G. C. BRADFIELD (Bradfield) (3668 State Route 14, Rootstown, OH 44272), an individual. Representative: William P. Jackson, Jr., 3426 No. Washington Blvd., P. O. Box 1240, Arlington, VA 22210. National seeks to purchase the Certificate of Registration of Bradfield and convert it to a certificate of public convenience and necessity. By the same application, Carl W. Reagan, Tony Dain, and Lorraine Jones, who control National through stock ownership, seek authority to acquire control of the subject operating rights through the transaction. National is purchasing Bradfield's Certificate of Registration in No. MC 121315 authorizing the transportation as a motor common carrier, over irregular routes, of *property*, between Ravenna, OH, on the one hand, and, on the other, points in Ohio and *commodities* usually transported in dump trucks and unloaded by dumping, between points in Portage and Summit Counties, OH, on the one hand, and, on the other, points in Ohio. National is a newly formed corporation holding no interstate operating authority. However, Carl W. Reagan, the president of National, owns all of the capital stock of Charter Express, Inc., a motor common carrier operating in interstate and foreign commerce pursuant to Certificate No. MC 123279. In addition, Ronald Reagan, the son of Carl W. Reagan, owns 100 percent of the Stock of Ron's Service, Co., which in turn owns all of the stock of the Service Transport Co, a motor common carrier operating in interstate and foreign commerce pursuant to No.

MC 106373 and subnumbers thereunder. Common control of Charter Express, Inc., and The Service Transport Co. was authorized in No. MC F-13202.

Notes:—(1) Application for Temporary Authority has been filed. (2) A directly related Conversion Application has been filed in No. MC 149401 F published by the same **Federal Register** issue to convert the Certificate of Registration to a Certificate of Public Convenience and Necessity. (3) Common control is involved.

(Hearing site: Washington, D.C. or Akron, OH).

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicitied traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Finding: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceeding 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 that 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* the following operating rights appliacations directly related thereto filed on or before August 15, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 149401 F, filed April 25, 1980. Applicant: NATIONAL TRUCKING, INC.—Conversion, 9775 Hemlock Lane, Garrettsville, OH 44231. Represenative William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *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 Ravenna, OH, on the one hand, and, on the other points in Ohio and (2) *such commodities* as are usually transported in dump vehicles, between Portage and Summit Counties, OH, on the one hand, and, on the other, points in Ohio. (Hearing site: Akron, OH.)

Notes: —(1) The purpose of this application is to convert the Certificate of Registration of G. C. Bradfield in No. MC-121315 to a Certificate of Public Convenience and Necessity. (2) This application is directly related to a proceeding prusuant to 49 U.S.C. 11343 in No. MC-F-14379F, published in this same Federal Register issue. (3) The Certificate of Registration authorizes the unrestricted transportation of general commodities. However, in the absence of a showing of need, we have imposed the usual exceptions (i. e. 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) on the grant of authority here.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21144 Filed 7-15-80, 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of application 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, specifiying 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 specificially 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. F–40

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.

Originally published in Federal Register of June 30, 1980, MC 59666 (Sub-1–2TA), filed June 16, 1980. Applicant: TRAFIK SERVICES, INC., 11 Newark Street, Providence, RI 02908. Representative: A. Joseph Mega, 11 Newark Street, Providence, RI 02908. *Commodities classified as Hazardous Waste other than movements in bulk.* From all points in R.I. to the facilities of the Cecos International, Inc. at or near Niagara Falls, N.Y. Supporting shippers: Amercian Hoechst Corporation, Coventry, R.I.; New England Container Company, Smithfield, R.I.; and Cooley, Inc., Pawtucket, R.I. The purpose of this re-publication is to show: *From all points in R.I. to the facilities of the Cecos International, Inc. at or near Niagara Falls, N.Y.,* omitted from previous publication.

MC 150575 (Sub-1–4TA), filed July 8, 1980. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Road, Lockport, New York 14094. Representative: George V. C. Muscato, Attorney at Law, 188 East Avenue, Lockport, New York 14094. Contract irregular route fruit juice and fruit concentrate, in bulk, in tank vehicles, between the facilities of Knouse Foods, Inc., located at or near Newfane, NY, and the facilities of Knouse Foods, Inc., located at or near Chambersburg, PA, Peach Glen, PA, and Orrtanna, PA. Supporting shipper: Knouse Foods, Inc., Peach Glen, PA 17306.

MC 125126 (Sub-1–1TA), filed July 8, 1980. Applicant: NILS TRANSPORTATION, INC., R.F.D. #1, Honeyman Street, Princeton, NJ 08540. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Contract carrier, irregular routes, plastic articles, between Reading, PA and Indianapolis, IN, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, IL, IN, KY, MD, MA, MI, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI., under a continuing contract(s) W.R. Grace & Co. Supporting shipper(s): W.R. Grace & Co., Tuckerton Road, P.O. Box 295, Reading, PA 19603.

MC 120380 (Sub-1–1TA), filed July 8, 1980. Applicant: GARVEY TRANSPORT, INC., 2 Water Street, Holbrook, MA 02343. Representative: Robert G. Parks, 20 Walnut Street—Suite 101, Wellesley Hills, MA 02181. (a) *Such commodities as are dealt in by retail drug outlets,* and (b) *equipment, material and supplies used in the distribution or sale of the commodities named in (a), above,* between points in ME, MA, NH, RI, and VT, restricted to traffic moving to, from or between the facilities of Osco Drug, Inc. Supporting shipper: Osco Drug, Inc., of Oakbrook, IL 62521.

MC 144407 (Sub-1–2), filed July 8, 1980. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foodstuffs (except in bulk in tank vehicles),* between Fairlawn, NJ, on the one hand, and, on the other, Birmingham and Montgomery, AL; Phoenix, AZ; Hayward, Vernon, and San Diego, CA; Denver, CO; Miami and Tampa, FL; Atlanta, GA; Chicago, IL; Louisville, KY; Harahan and Shreveport, LA; St. Paul, MN; Kansas City and St. Louis, MO; Butte, MT; Fostoria, OH; Oklahoma City, OK; Milwaukee, OR; Mechanicsville, PA; Memphis, TN; Houston, Dallas, and San Antonio, TX; Salt Lake City, UT; Seattle and Spokane, WA; and Milwaukee, WI. Supporting shipper(s): Lea & Perrins, Pollitt Drive, Fairlawn, NJ 07410.

MC 7840 (Sub-1–3TA), filed July 7, 1980. Applicant: ST. LAWRENCE FREIGHTWAYS, INCORPORATED, 650 Cooper Street, Watertown NY 13601. Representative: W. J. Steinaker, 650 Cooper Street, Watertown NY 13601. Commodity; Brakes, railway, or parts thereof, Power pumps NOI, or parts thereof, Castings NOI, Racks, steel, or other than steel, Agricultural implements or parts thereof, and Material, equipment, and supplies used in the manufacture, distribution, or sale of the above commodities, between Watertown NY on the one hand, and on the other, points in the US except AK and HI. Supporting shipper: New York Air Brake Company, Starbuck Avenue, Watertown, NY 13601.

MC 143127 (Sub-1–15TA), filed July 7, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (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 commodities which because of size or weight require special equipment), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of W. R. Grace & Co. Supporting shipper: W. R. Grace & Co., 55 Hayden Ave., Lexington, MA 02173.

MC 104104 (Sub-1–2TA), filed July 7, 1980. Applicant: GEORGE A. FETZER, INC., Newton-Sussex Road, Augusta, NJ 07822. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Plastic articles, scrap, insulating materials, and on return materials and supplies used in the manufacture, distribution, and sale thereof, except in bulk from CT, IL, IN, MA, MD, ME, NH, NJ, NY, PA, RI, VT and WI to points in the United States east of the Mississippi River. Supporting shipper: Polly Products, P.O. Box 11, Manchaug, MA 01526.

MC 144709 (Sub-1–1TA), filed July 7, 1980. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. Contract carrier irregular routes, Coffee Oil From: Freehold, NJ to Sunbury, OH and Ripon, CA under a continuing contract or contracts with The Nestle Company, Inc. of White Plains, NY.

MC 151041 (Sub-1–2TA), filed July 7, 1980. Applicant: JAMES A. DAVIS TRUCKING, 110 Jackson Ave., P.O. Box #731, Edison, NJ 08817. Representative:

Barbara Fegley, 110 Jackson Ave., Edison, NJ 08817. Contract, Irregular, *Cleaning* and/or *washing compounds NOIBN* .50 lb. from Avenel, New Jersey to the states of North Carolina and Florida. Supporting shipper: Economics Laboratory, Avenel, NJ 07001

MC 75543 (Sub-I–1TA), filed July 7, 1980. Applicant: VALLERIE TRANSPORTATION SERVICE, INC., P.O. Box 880, Norwalk, Connecticut 06852. Representative: Maxwell A. Howel, 1100 Investment Building, 1511 K Street, N.W., Washington, DC 20005. *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), Between Pownal, VT and Norwalk, CT, and From Pownal, VT via US Hwy 7 to Norwalk, CT.

MC 58852 (Sub-1–1TA), filed July 2, 1980. Applicant: SALEM MOTOR TRANS., INC., 121 Webster Avenue, Chelsea, MA 02150. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from points in the Boston, MA Commercial Zone to points in ME. Supporting shipper: Wilmington Warehousing Corp., 121 Webster Avenue, Chelsea, MA 02150.

MC 74695 (Sub-1–1TA), filed July 2, 1980. Applicant: SOUTHERN TRUCKING COMPANY, P.O. Box 5008, Jersey City, NJ 07305. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract Carrier—Irregular routes, *compressed industrial gases,* in gas cylinders and tube trailers (1) from Linden and Jersey City, NJ to points in CT and NY, and (2) from Jersey City, NJ to North Claymont, DE. Supporting shipper: Liquid Air Corporation of North America, 1016 W. 8th Avenue, King of Prussia, PA 19406.

MC 147074 (Sub-1–9TA), filed July 2, 1980. Applicant: E Z FREIGHT LINES, 70 Gould Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Trailer parts* and *supplies* between Chicago, IL, on the one hand, and, on the other points in the United States except AK and HI. Supporting shipper: Royal Truck and Trailer, 1950 W. 43rd Street, Chicago, IL 60609.

MC 125403 (Sub-1–2TA), filed July 2, 1980. Applicant: S. T. L. TRANSPORT, INC., P.O. Box 369, Newark, NY 14513. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *(1) Metals and chemicals (except in bulk),* between all points in the U.S. (except AK and HI) (restricted to traffic originating at or destined to the facilities of Arcadia Chemical Industries, Inc. and Chemical & Metallurgical Enterprises, Inc., both of Newark, NY) and *(2) General commodities (except those of unusual value, Classes A & B Explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,* between all points in CT, DE, DC, ME, NH, VT, RI, MA, NJ, NY, PA, MD, and OH. Supporting shipper(s): There are 18 statements in support of this application which may be examined at the ICC Regional Office at Boston, MA.

MC 151198 (Sub-1–1TA), filed July 3, 1980. Applicant: JOHN R. SEASHOLTZ, JR. AND THOMAS M. TATE, A PARTNERSHIP, doing business as MERRIMACK SHUTTLE AND EXPRESS SERVICE, 111 Constance Street, Merrimack, NH 03054. Representative: John R. Seasholtz, Jr., 111 Constance Street, Merrimack, NH 03054. Passengers and their baggage and express in the same vehicle with passengers, between Merrimack, NH and Logan International Airport in Boston, MA with an intermediate stop in Nashua, NH. Leave from Merrimack, NH south on Route 3 to toll booth, then enter Everett Turnpike Route 3 south to Sheraton Tara Hotel exit in Nashua, NH. From Sheraton Hotel re-enter Everett Turnpike then south across Massachusetts state line onto Route 3 to Massachusetts Route 128 Exit onto Massachusetts 128 then east to interstate Route 93. Exit onto interstate Route 93 then south into City of Boston and exit at Callahan Tunnel, proceed through tunnel and enter Logan Airport. Make six stops at Major airlines facilities discharging and picking up passengers. Return over same route with intermediate stop at Sheraton Hotel in Nashua, NH then to Merrimack, NH. Supporting shipper(s): The Hilton at Merrimack, Exit 8, Everett Turnpike, Merrimack, NH 03054. Town of Merrimack, Baboosac Lake Rd., Merrimack, NH 03054.

MC 117303 (Sub-1–1TA), filed July 3, 1980. Applicant: HUDSON VALLEY CEMENT LINES, INC., Route 23B, P.O. Box 203, Claverack, New York 12513. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, New Jersey 07006. *Common Carrier,* irregular routes: *Cement,* from Nazareth, PA to points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. Supporting shipper(s): Independent Cement Corporation, Barnhouse Hill, East Kingston, NY 12401, Coplay Cement, Inc., Easton Road, Nazareth, PA 18604.

MC 119103 (Sub-1–1TA), filed July 3, 1980. Applicant: J. E. FORTIN TRANSPORT, INC., 116 Fortin Boulevard, St. Bernard de Lacolle, Quebec JOJ lVO Canada. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. *Common carrier,* irregular routes: *Fruit juice and fruit juice concentrates,* in vehicles equipped with mechanical refrigeration, from Auburndale, Dade City, Lake Wales and Orlando, FL, to port of entry on the United States-Canada boundary line at or near Champlain, NY. Supporting shipper(s): Arthur Roger Limited, 491 Lebeau Boulevard, Montreal, Quebec, Canada; Dominion Stores, Ltd., 3195 Bedford Road, Montreal, Quebec, Canada; and Steinberg, Inc., 5400 Hochelaga Street, Montreal, Quebec, Canada.

MC 138701 (Sub-1–1TA), filed July 3, 1980. Applicant: G. D. & K., INC., 500 West Main Street, Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier,* irregular routes, *chemicals and cleaning compounds, except in bulk,* to transport (1) From TN to Waterbury, CT, (2) From Wilmington and Boron, CA to Waterbury, CT, (3) between Waterbury, CT and Inman, SC, and (4) From Cleveland, OH to Waterbury, CT and Inman, SC, under a continuing contract with The Hubbard-Hall Chemical Co. Supporting shipper(s): The Hubbard-Hall Chemical Co., P.O. Box 790, Waterbury, CT 06720.

MC 151193 (Sub-1–1TA), filed July 3, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in or used by supermarkets from Vineland and Jersey City, NJ to the facilities of Supermarkets General Corporation at Woodbridge, NJ, restricted to traffic having a prior movement by rail. Supporting shipper: Supermarkets General Corp., 301 Blair Rd., Woodbridge, NJ 07095.

MC 150887 (Sub-1–2TA), filed July 3, 1980. Applicant: CLOVER LANE TRANSPORTATION, INC., 1544 Irving Street, Rahway, NJ 07065. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier,* irregular routes: *Drugs and Medicines, except in bulk,* between Belvidere, NJ, on the one hand, and, on the other, Groton and

Norwich, CT and Brooklyn, NY, under a continuing contract or contracts with Hoffman La-Roche, Inc., of Nutley, NJ. Supporting shipper: Hoffman La-Roche, Inc., 340 Kingsland Street, Nutley, NJ 07110.

MC 120652 (Sub-1-2), filed July 2, 1980. Applicant: GREATER SYRACUSE MOVING & STORAGE CO., INC., Box 23, 6255 Taft Road, N. Syracuse, NY 13212. Representative: Richard D. Mathias, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036. *Household goods as defined by the Commission,* (1) between points in Onondago County, NY on the one hand, and, on the other, points in the State of NY; (2) between points in Onondago County, NY, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NJ, PA, MD, DE, DC, VA, WV, OH, MI, IN, and IL; and (3) between points in the counties of Wayne, Ontario, Yates, Schuyler, Steuben, Chemung, Monroe, Tioga, Broome, Delaware, Ostego, Herkimer, Oneida, Lewis, Jefferson, Oswego, Cayuga, Chenango, Thompkins, Cortland, Madison, and Seneca, NY, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NJ, NY, PA, MD, DE, DC, VA, WV, OH, MI, IN, and IL. Supporting shipper: General Electric Co., P.O. Box 223, Liverpool, NY 13088.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 3. SEND PROTESTS TO ICC, REGIONAL AUTHORITY CENTER, P.O. BOX 7520, ATLANTA, GA 30357.

MC 108676 (Sub-3-4TA), filed May 21, 1980. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Mark S. Roach. *Glass, flat; and glass glazing units,* between points in Truesdail and St. Louis, MO, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: C. E. Glass, 700 Union Landing Road, Cinaminson, NJ 08077.

MC 129537 (Sub-3-2TA), filed July 2, 1980. Applicant: REEVES TRANSPORTATION CO., INC., Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 Morgan St., Tampa, FL 33602. *Carpeting, floor covering, carpet padding, materials, supplies and equipment used in the installation and manufacture thereof,* between all points in Mobile, Baldwin and Escambia Counties, AL, on the one hand, and, on the other, all points in the states of GA, FL, MS, AR, LA, TX, OK and NM. Supporting shipper: C. H. Masland & Sons, Box 40, Carlisle, PA 17013.

MC 10173 (Sub-3-1TA), filed June 26, 1980. Applicant: MARVIN HAYES LINES, INC., P.O. Box 468, Clarksville, TN 37040. Representative: Leon D. Huffine (address same as applicant). *Common carrier:* 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 Louisville, KY and its commercial zone and Nashville, TN and its commercial zone. From Louisville, KY over U.S. Highway 31-W to Nashville, TN and return over the same route. Alternate route: between Louisville, KY and its commercial zone and Nashville, TN and its commercial zone. From Louisville, KY over Interstate Highway 65 to Nashville, TN and return over the same route. Tacking intended with existing authority. Between Louisville, KY and its commercial zone and Memphis, TN and its commercial zone. From Louisville, KY over U.S. Highway 31-W to Bowling Green, KY then over U.S. Highway 68 to Elkton, KY, then over KY Highway 181 to Guthrie, KY, then over U.S. Highway 79 to Milan, TN, then over U.S Highway 45-E to Jackson, TN then over Interstate 40 to Memphis, TN and return over the same route. Alternate route: From Louisville, KY over I-65 to junction of I-40, then over I-40 to Memphis, TN and return over the same route. Tacking with all existing authority intended. Applicant intends to interline at Louisville, KY, Nashville and Memphis, TN. There are 22 statements in support to this application which may be examined at the Regional ICC office in Atlanta, GA.

MC 10173 (Sub-3-2TA), filed July 2, 1980. Applicant: MARVIN HAYES LINES, INC., Hayes Circle, Clarksville, TN 37040. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Common carrier,* 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 Hopkinsville, KY and points in its commercial zone and Evansville, IN and points in its commercial zone. From Hopkinsville, KY over the Pennyrile Parkway to Evansville, IN and return over the same route, serving no intermediate points. From Hopkinsville, KY over U.S. Hwy. 41 to Evansville, IN and return over the same route, serving all intermediate points. Restriction: Operations are restricted against the transportation of traffic originating at, or destined to Evansville, IN and points in its commercial zone. Applicant intends to tack with existing authority in MC-10173 and subs thereunder. Applicant also intends to interline with other carriers at Evansville, IN; Hopkinsville, KY; Clarksville, TN; Memphis, TN and Nashville, TN. Supporting shipper: There are six statements of support which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 144027 (Sub-3-3TA), filed July 2, 1980. Applicant: WARD CARTAGE & WAREHOUSING, INC., Route 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Containers and container ends,* from the plant site of Standard Container Co. at Homerville, GA to Louisville, KY and its commercial zone. Supporting shipper(s): Standard Container Company, Highway 84, West, Box 336, Homerville, GA 31634. Devoe & Raynolds Co., Div. of Grow Group, Inc., 4000 DuPont Circle, Louisville, KY 40207.

MC 30446 (Sub-3-4TA), filed July 1, 1980. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, Charlotte, NC 28225. Representative: Leon Thompson (same as above). *Plastic materials, other than expanded group; flakes, NOI, granules, lumps, pellets, or solid mass, in bulk, in closed vans,* from Celriver, SC to Wilmington, NC. Supporting shipper: Celanese Fibers Company, a Division of Celanese Corporation, P.O. Box 32414, Charlotte, NC 28232.

MC 151171 (Sub-3-1TA), filed July 7, 1980. Applicant: CIRCLE DELIVERY SERVICE, INC., 2008 Clark Tower, Memphis, TN 38137. Representative: Dennis D. Kirk, 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. *General Commodities, with the usual exceptions,* between points in Davidson County, TN, on the one hand, and, on the other, points in Lake County, IN; Cooke, DuPage, Kane, Lake and Will Counties, IL. Supporting shipper: There are 22 statements of support which may be examined at the I.C.C. Regional Office in Atlanta, GA. Note: Common control may be involved.

MC 134064 (Sub-3-6TA), filed July 7, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839-5856. (1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and (2) *Foodstuffs (except in bulk)*, from the facilities of New Orleans Cold Storage, Inc., at or near New Orleans, East New Orleans and Metairie, LA. to points in the U.S. in and east of NM, CO, WY, SD, ND. Supporting shipper: New Orleans Cold Storage, Inc., P.O. Box 15749, New Orleans, LA 70175.

MC 151206 (Sub-3–1TA), filed July 3, 1980. Applicant: NANCY & DWIGHT'S HOLIDAY TOURS, INC., Post Office Box 188, Randleman, NC 27317. Representative: Dwight E. Thompson (same address as applicant). *Passengers and their baggage in Special and Charter Operations* between points in Randolph County, NC on the one hand, and, on the other, points in the United States, except HI and AK. The supporting shippers: Holiday Tours of Randolph, Inc., P.O. Box 188, Randleman, NC 27317; United Brass Works, Inc., Randleman, NC 27317; Roy C. Reitzel Center, Senior Adult Association, 28 South Fayetteville Street, Liberty, NC 27298.

MC 151114 (Sub-3–1TA), filed July 2, 1980. Applicant: BROWN & WATSON, INC., P.O. Box 21, Howard, GA 31039. Representative: Terry P. Wilson, 428 South Lawrence Street, Montgomery, AL 36104. *Sand, in bulk*, between the facilities of Jesse S. Morie & Son, Inc., at or near Junction City, GA, on the one hand, and, on the other, the facilities of Brockway Glass Company, Inc., at or near Montgomery, AL. Supporting shippers: Jesse S. Morie & Son, Inc., P.O. Box 106, Junction City, GA 31812, and Brockway Glass Company, Inc., McCullough Avenue, Brockway, PA 15824.

MC 921 (Sub-3–2TA), filed June 30, 1980. Applicant: DEAN TRUCK LINE, INC., P.O. Drawer 631, Corinth, MS 38834. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Common* carrier; regular: *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment*, between Memphis, TN and Nashville, TN from Memphis, TN over I–40 to Nashville, TN and return over the same route, serving no intermediate points. Supporting shipper: There are 43 statements of support which may be examined at the I.C.C. Regional Office in Atlanta, GA.

Note.—Applicant intends to tack with its existing authority in MC–921 and subs thereunder. Applicant also intends to interline at Memphis and Nashville, TN with other carriers.

MC 52704 (Sub-3–4TA), filed July 2, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth and John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Expanded Plastic Articles*, from the facilities of Life Like Products, Inc., at or near Miami, FL and Mansfield, TX, to points in the U.S. (except AK and HI); and (2) *Materials, equipment and supplies used in the manufacture or distribution of expanded plastic articles*, from points in the U.S. (except AK and HI) to the facilities of Life Like Products, Inc. at or near Miami, FL and Mansfield, TX. Supporting shipper: Life Like Products, Inc., 1600 Union Avenue, Baltimore, MD 21211.

MC 136285 (Sub-3–1TA), filed July 7, 1980. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), in containers or in trailers, having an immediately prior or subsequent movement by water, and empty containers and trailers*, between points in Norfolk, VA, and points in its commercial zone, and Richmond, VA, on the one hand, and, on the other, points in NC, SC, VA, WV, TN, AL, FL, GA and KY. Supporting shippers: There are 8 supporting shipper statements attached to this application which may be examined at the ICC Regional office in Atlanta, GA.

MC 117890 (Sub-3–2TA), filed July 2, 1980. Applicant: SEMINOLE TRANSPORT LINES, INC., 1335 N.W. 23rd Street, Miami, Florida 33142. Representative: Thomas J. Beener, 67 Wall Street, New York, New York 10005. *Foodstuffs (except in bulk)* from St. Elmo, IL to points in CO and CA. Supporting shipper: Stella D'oro Biscuit Company, 184 West 237 Street, Broadway, Bronx, New York 10463.

MC 147208 (Sub-3–2TA), filed July 2, 1980. Applicant: BLUE RIDGE LINES, LTD., P.O. Box 5692, 33 Foxfire Drive, Asheville, NC 28813. Representative: Kingsland Hobein, Jr. (same address as applicant). *Common* Carrier: Regular: *Passengers and their baggage, express, mail and Newspapers in the same vehicle with passengers:* (1) Between Johnson City, TN and Bristol, VA; From Johnson City, TN over TN Hwy. 137 to Kingsport, TN, then over U.S. Hwy. 11W to Bristol, VA. Also from the Jct. TN Hwy. 137 & TN Hwy. Bypass 93 over TN Hwy. Bypass 93 to the Jct. TN Hwy. Bypass 93 & U.S. Hwy. 11W, serving all intermediate points. (2) Between Boone, NC and Jct. U.S. Hwys. 19 & 23, NC; From Boone, NC over NC Hwy. 105 to Linville, NC, then over U.S. Hwy. 221 to the Jct. U.S. Hwy. 221 & NC Hwy. 194, then over NC Hwy. 194 to Ingalls, NC, then over U.S. Hwy. 19E to Jct. U.S. Hwys. 19E & 19, NC, then over U.S. Hwy. 19 to the Jct. U.S. Hwys. 19 & 23, NC. Also from the Jct. NC Hwy. 105 & NC Hwy. 184 (Invershiel) over NC Hwy. 184 to Banner Elk, NC, serving all intermediate points. Applicant intends to tack to present authority and interline at Bristol, VA, Kingsport, TN, Johnson City, TN, and Boone, NC. Supporting shippers: There are nine statements in support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 150988 (Sub-3–2TA), filed July 1, 1980. Applicant: A&B CARTAGE, INC., 2411 Robeson Street, Fayetteville, NC 28305. Representative: Eric Meierhoefer & Joseph L. Steinfeld, Jr., Suite 423, 1511 K Street, N.W., Washington, DC 20005. *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)*, between Fayetteville, Greensboro, and Raleigh, NC, on the one hand, and, on the other, points in and east of Union, Mecklenburg, Iredell, Yadkin, and Surry Counties, NC.

Note: Applicant intends to interline with other carriers at Fayetteville, Greensboro, and Raleigh, NC. There are 23 statements of support which may be examined at the Atlanta, GA Regional Office.

MC 138635 (Sub-3–6TA), filed July 2, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC. 28052 Representative: W. C. Sutton, P.O. Box 3995, Gastonia, NC 28052. *Automotive Parts and Accessories*. From Los Angeles, CA and its commercial zone to Jacksonville, FL and its commercial zone. Supporting shipper: Nippondenso of Los Angeles, Inc., 23831 Banning Avenue, Carson, CA 90745.

MC 31675 (Sub-3–6TA), filed July 3, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore (address same as applicant). *Oil, Lubricating, other than petroleum; oil cooking or salad; and toilet preparations*, from the facilities of Fluid Packaging Co., Inc., Lakewood, NJ to points in FL, GA, IA, NC, and SC.

Supporting shipper: Fluid Packaging Co., Inc., 800 Airport Road, Lakewood, NJ 08701.

MC 144474 (Sub-3–1TA), filed July 2, 1980. Applicant: MORGAN MOVING & STORAGE, INC., 302 N. St., Booneville, MS 38829. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., NW, Suite 1112, Washington, D.C. 20036. *Component parts for new organs (electronic, metal and plastic parts),* from all points in the U.S. to Corinth, MS. Supporting shipper: Wurlitzer, Danville Rd., Corinth, MS 38834.

MC 115162 (Sub-3–9TA), filed July 7, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). *(1) Plumbing goods and fixtures, including, but not limited to, sinks, faucets, garbage disposals, and water coolers; and (2) Materials, supplies and equipment used in the manufacture, sale and distribution of commodities named in (1) above* (except commodities in bulk, in tank vehicles), between Broadview, IL; Dayton, TN; and Lumberton, NC; on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TK. Supporting shipper: Elkay Manufacturing Company; 2700 South 17th Avenue; Broadview, IL 60153.

MC 52704 (Sub-3–3TA), filed July 7, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth and John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Vegetable Oils (except in bulk),* from the facilities of Lou Ana Foods, Inc., at or near Opelousas, LA, to points in the U.S. in and east of MN, IA, NE, KS, NM and AZ, and (2) *Materials, equipment and supplies used in the manufacture or distribution of vegetable oils (except in bulk),* from points in the U.S. in and east of MN, IA, NE, KS, NM and AZ to the facilities of Lou Ana Foods, Inc., at or near Opelousas, LA. Supporting shipper: Lou Ana Foods, Inc., 731 Railroad Avenue, Opelousas, LA 70570.

MC 123872 (Sub-3–2TA), filed July 2, 1980. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Cellulose wadding and padding; paper products; and extruded plastic foam and film (except in bulk)* from East Hartford, CT; Grenada, MS; Patterson, NC and Paxinos and Lititz, PA, to points in the U.S. in and west of MN, IA, NE, LS, OK and TX. Supporting shipper: Cellu Products, Inc., Box 98, Patterson, NC 28661.

MC 107002 (Sub-3–21TA), filed June 30, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Methanol, in bulk,* from Plaquemine, LA to the facilities of Gulf Adhesives and Resins at or near Vicksburg, MS. Supporting shipper: Gulf Adhesive & Resins, Rifle Range Road, Vicksburg, MS 39180.

MC 121568 (Sub-3–13TA), filed July 2, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Avenue, Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). *Plastic articles and the materials, supplies, and equipment used in the manufacture and distribution of these items (except in bulk)* between Halls, TN on the one hand, and, on the other, all points in and east of MT, CO, WY, and NM except TX and LA. Supporting shipper: Tupperware Company, Div. Dart Ind., P.O. Box 751, Woonsocket, RI 02895. Applicant intends to tack with MC–121568 and interline at Memphis, TN and Nashville, TN and other authorized points.

MC 85970 (Sub-3–9TA), filed July 7, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Common* carrier: Regular: *General Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment,* between Union City, TN and Fulton, KY; From Union City, TN, over U.S. highway 51 to Fulton, KY and return over the same route, serving all intermediate points. Applicant intends to interline at Memphis and Nashville, TN, and St. Louis, MO. There are 7 statements in support to this application which may be examined at the ICC Regional office in Atlanta, GA.

MC 85970 (Sub-3–8TA), filed July 1, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *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 articles requiring special equipment),* between Dyersburg, TN and Jackson, TN, serving all intermediate points. From Dyersburg, TN over U.S. Hwy 51 to junction U.S. Hwy 51 and TN Hwy 20, then over TN Hwy 20 to Jackson and return. Supporting Shippers: Newbern Glove Co., Inc., Newbern, TN; Piggly Wiggly Corporation, 1037 Lower Brownsville Rd, Jackson, TN 38301; Samuel Miller Co., 2000 S. Graynon, Newbern, TN; Samuel Miller Co., Troy, TN 38260; and Obion Mfg., Troy Rd., Obion, TN 38240.

Note.—Applicant intends to tack this authority with already existing authority. Applicant also intends to interline at Memphis, TN; Jackson, TN and St. Louis, MO with other carriers.

MC 146782 (Sub-3–5TA), filed June 30, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. *(1) Aluminum articles consisting of aluminum slabs, billets and ingots* and *(2) equipment, materials and supplies used in the manufacture of the commodities stated in (1) above* (except commodities in bulk), between the facilities of Alumax of South Carolina, Inc., located in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to traffic originating at or destined to the above named facilities. Supporting Shipper: Alumax of South Carolina, Inc., P.O. Box 1000, Goose Creek, SC 29445.

MC 111302 (Sub-3–6TA), filed July 7, 1980. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10106, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid chemicals,* in bulk, in tank or hopper-type vehicles, from Winder, GA to points in NJ, NC, SC, FL, AL, MS, TN, LA, TX, MO, PA. Supporting shipper: Westvaco Corporation, P.O. Box 643, Winder, GA 30680.

MC 141707 (Sub-3–1TA), filed June 30, 1980. Applicant: JOE A. STEVENS TRUCKING, INC., 454 North College Street, Harrodsburg, KY 40330. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Coal and fertilizer, in bulk, in dump vehicles,* from Louisville, KY to points in IN. Supporting shipper: River Road Terminals, Inc., 2611 Upper River Road, Louisville, KY 40206.

MC 151205 (Sub-3–1TA), filed July 1, 1980. Applicant: R & C ENTERPRISES, P.O. Box 2492, Johnson City, TN 37601. Representative: R. F. Campbell (same address as applicant). *General commodities, restricted to shipments weighing 500 pounds or less (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 and east of Claiborne, Grainger, Cocke and Jefferson Counties, TN, in and west of Bland, Grayson and Wythe Counties, VA, and in and north of Ashe, Buncombe, Burke, Caldwell, Madison, McDowell and Watauga Counties, NC. There are 15 statements in support to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 151204 (Sub-3–1TA), filed July 2, 1980. Applicant: 321 EQUIPMENT LEASING CO., 712 W. Airline Avenue, Gastonia, NC 28052. Representative: Rebecca P. Dalton, President (same address as applciant). *Textiles and textile products, supplies and equipment used in the manufacture and packing of textiles and textile products,* between AL, AR, CT, DE, DC, FL, GA, IL, IN, KY, LA, MA, ME, MD, MI, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI. Supporting shippers: Ti Caro, Inc., Bessemer City Road, Gastonia, NC 28052; G & M Warehouse Co., Inc., P.O. Box 368, Gastonia, NC 28052; and Parkdale Mills, Inc., 301 South Yates St., Gastonia, NC 28052.

MC 139822 (Sub-3–2TA), filed July 2, 1980. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Bakery goods, other than frozen,* from the facilities of Interbake Foods, Inc., at Richmond, VA, to the facilities of Right Away Foods, at McAllen, TX. Supporting shipper: Interbake Foods, Inc., P.O. Box 27487, Richmond, VA 23261.

MC 117890 (Sub-3–1TA), filed July 2, 1980. Applicant: SEMINOLE TRANSPORT LINES, INC., 1335 N.W. 23rd Street, Miami, Florida 33142. Representative: Thomas J. Beener, 67 Wall Street, New York, New York 10005. *Foodstuffs (except in bulk)* from the facilities of Aunt Jane's Food, Inc. at Croswell, MI, to points in CT, MA, RI, DC, MD, PA, NY, NJ, NH, VT and ME. Supporting shipper: Aunt Jane's Food, Inc., 55 East Sandborn Avenue, Croswell, MI 48422.

MC 119837 (Sub-3–1TA), filed July 2, 1980. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois, Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Common;* regular: *General Commodities (except articles of unusual value, commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and commodities which because of their size or weight require special equipment),* between West Plains, MO and Springfield, MO, from West Plains, MO over U.S. Hwys. 60 and 63 to their junction at or near Cabool, MO, then west over U.S. Hwy 60 to Springfield and return, serving all intermediate points and serving Mountain View, Houston and Ava, MO as off-route points. Applicant intends to tack the authority sought with existing authority at West Plains, MO and to interline with other common carriers at Springfield and West Plains, MO and Memphis, TN. There are 49 statements in support of this application. They may be examined at the ICC office in Atlanta, GA.

MC 36448 (Sub-3–2TA), filed July 2, 1980. Applicant: MURFREESBORO FREIGHT LINES CO., P.O. Box 1113, Rutledgeway, Murfreesboro, TN 37310. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, DC. *Common carrier:* regular: *General Commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission and those requiring special equipment,* between Louisville, KY, and Atlanta, GA, and points in their commercial zones, serving no intermediate points: From Louisville over Interstate Hwy 65 to the junction with Interstate Hwy 24, then over Interstate Hwy 24 to the junction with Interstate Hwy 75, then over Interstate Hwy 75 to Atlanta and return. Interlining is requested at Louisville, KY and Atlanta, GA. There are 8 statements in support of this application which may be examined at the ICC regional office in Atlanta, GA.

MC 121006 (Sub-3–1TA), filed July 3, 1980. Applicant: GADSDEN TRUCK LINES, INC., 1708 Mt. Zion Avenue, Gadsden, AL 35901. Representative: George C. Hawkins, 315 South 5th Street, Gadsden, AL 35901. *Iron and steel articles,* from the facilities of Dietrich Industries, at or near Ashville, AL, to all points in FL, GA, LA, and TN. Supporting shipper: Dietrich Industries, P.O. Box 400, Ashville, AL 35953.

MC 31675 (Sub-3–7TA), filed July 3, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore (same address as applicant). *Iron or steel articles, plywood or lumber and related articles,* from Charleston, SC to points in and east of MI, IN, IL, KY, TN, MS, and LA. Supporting shippers: There are 7 shipper's statements of support. They may be examined at the ICC Regional Office, Atlanta, GA.

MC 146187 (Sub-3–1TA), filed July 2, 1980. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Road, Greenback, TN 37742. Representative: Edward C. Blank, II, P.O. Box 1004, 805 South Garden Street, Columbia, TN 38401. *Canned food goods* from the plantsites of Joan of Arc Company in Hoopeston, Peoria, and Princeville, IL to points in AK, AL, FL, GA, LA, MS, NC, SC, TN and TX. Supporting shipper: Joan of Arc Company, 2231 Altorfer Dr., Peoria, IL 61614.

MC 146646 (Sub-3–20TA), filed July 1, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Industrial cleaners, weed killers, insecticides and related products manufactured and/or sold by Oxford Chemicals, Inc. (except in bulk),* between Oxford Chemicals, Inc. at or near Chamblee, GA and Birmingham, AL. Supporting shipper: Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366.

MC 145836 (Sub-3–3TA), filed July 1, 1980. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Road, Charlotte, NC 28213. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *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),* (1) from Boston, MA; New York, NY; Philadelphia, PA; Chicago, IL; and Los Angeles, CA, and points in their commercial zones, to Charlotte and High Point, NC, and Tampa, FL, and points in their commercial zones; (2) from Charlotte and High Point, NC, and points in their commercial zones, to Tampa, FL, and points in its commercial zone; (3) from points in NC, SC, TN, and VA, to Charlotte and High Point, NC, and points in their commercial zones, restricted to traffic originating at or destined to the facilities of Gulf Freight Association and its members. Supporting shipper: Gulf Freight Association, P.O. Box 702, Tampa, FL 33601.

MC 146281 (Sub-3–7TA), filed July 1, 1980. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6089, Knoxville, TN 37194. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Vinyl Tubing and material, supplies and equipment used in the manufacture of same,* between the facilities of Vytron Corp. at or near Loudon, TN, on the one hand, and, on the other, Cincinnati, OH, and points in its commercial zone.

Supporting shipper(s): Vytron Corp., P.O. Box 279, Loudon, TN 37774.

MC 2900 (Sub-3–12TA), filed June 26, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408–R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Machinery, Materials, Equipment and Supplies used in logging and construction industries* between the facilities of Peerless Corporation at Paragould, AR; Compton, CA; Tualatin, OR; and Seattle, WA; on the one hand, and on the other, points in the U.S. Supporting shipper: Peerless Corporation, Div. of Lear-Siegler, Inc., 18205 S. W. Boones Ferry Road, Tualatin, OR 97062.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 4. SEND PROTESTS TO: ICC, DIRKSEN BLDG., 219 S. DEARBORN ST., ROOM 1386, CHICAGO, IL 60604.

MC 128837 (Sub-4–11TA), filed July 2 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'hara, 300 Reisch Bldg., Springfield, IL 62701. *Canned goods* (except frozen and except in bulk), from the facilities of Joan of Arc at or near Hoopeston and Princeville, IL to Alanta, GA, Kansas City, KS, Kansas City, MO, Tulsa and Oklahoma City, OK, Turkey, NC, Birmingham, AL, Foxboro, MA and points in NY, PA, WV, TN and LA. An underlying E/T/A seeks 90 days authority. Supporting shipper: Joan of Arc Company, Inc., 2231 W. Altorfer, Peoria, IL 61600.

MC 143471 (Sub-4–8TA), filed July 2, 1980. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd, Rapid City, SD 57701. *Contract;* irregular; *Lumber* from Sturgis, SD and points in its's Commercial Zone to points in IN, MI and OH, under contract with Dickson Forest Products. An underlying ETA seeks 90 days authority. Supporting shipper: Dickson Forest Products, PO Box 736, Sturgis, SD 57785.

MC 150301 (Sub-4–6TA), filed July 2, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 3653 Lake Eastbrook Blvd. SE, Grand Rapids, MI 49506. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract; irregular: General merchandise sold or used in retail stores* from all points in the U.S. (except AK, HI and MI) to the facilities of Quality Stores, Inc. in MI, OH and IN. Supporting shipper: Quality Stores, Inc., 1460 Whitehall Rd., N. Muskegon, MI 49445.

MC 119704 (Sub-4–4TA), filed June 27 1980. Applicant: R. A. HARRIS & SONS, INC., 3501—22nd Street, Menominee, MI 49858. Representative: Dennis R. Harris, 3423—22nd Street Menominee, MI 49858. *Canned Goods,* From Seymour, WI to points in AL, AR, CA, FL:, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, & WV, restricted to the transportation of Seymour Canning Company with a *continuing contract.* Supporting shipper: Seymour Canning Company, Seymour, WI.

MC 15975 (Sub-4–7TA), filed June 27, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Malt beverages,* in containers, from Detroit, MI, to IL, IN, MO, OH, OK, PA, NJ, GA and TX. Supporting shipper(s): The Stroh Brewery Company, One Stroh Drive, Detroit, MI 48226.

MC 146985 (Sub-4–2TA), filed June 30, 1980. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main Street, P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200—Metro Building, Fort Wayne, IN 46802. *Contract irregular: Drugs, medicines, chemicals and materials, equipment and supplies used in their manufacture, distribution and sale, in straight or mixed truckloads* between Elkhart, IN and Dayton, OH on the one hand, and on the other hand, to all points in the U.S. on and east of U.S. Highway 85 under continuing contract with Miles Laboratories, Inc. Supporting shipper(s): Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, IN 46514.

MC 150952 (Sub-4–1TA), filed June 26, 1980. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Terrence D. Jones, 2033 K St., N.W., Washington, DC 20006. *Contract;* Irregular; *Dairy products,* between points in the U.S. in and east of ND, SD, NE, CO, OK, TX, and UT, under continuing contract(s) with Cheese Specialties Services, Inc., Wisconsin Rapids, WI. Underlying ETA seeks 90 days authority. Supporting shipper: Cheese Specialties Services, Inc., P.O. Box 1327, Wisconsin Rapids, WI 54494.

MC 99565 (Sub-4–4TA), filed June 23, 1980. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis Street, Wausau, WI 54401. Representative: Nancy J. Johnson, 103 East Washington Street, P.O. Box 218, Crandon, WI 54520. 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)* Between Wausau, WI and Madison, WI: From Wausau, WI over WI Hwy 29 to junction with WI Hwy 97, then over WI Hwy 97 to junction with WI Hwy 13, then over WI Hwy 13 to junction WI Hwy 16, then over WI Hwy 16 to junction US Hwy 51, then over US Hwy 51 to Madison and return over the same route serving no intermediate points. Between Madison, WI and Minneapolis-St. Paul, MN: I–94 from Madison, WI to Minneapolis-St. Paul, MN and return over the same route serving the intermediate point of Eau Claire, WI and the off-route point of Chippewa Falls, WI. *Between Chippewa Falls, WI and Eau Claire, WI:* From Chippewa Falls, WI over US Hwy 53 to Eau Claire and return over the same route. Applicant intends to tack this authority with its regular-route authority and to interline at St. Paul-Minneapolis, MN and its Wisconsin terminal points underlying ETA seeking 90 days authority. [21 supporting shippers.]

MC 109154 (Sub-4–1TA), filed June 30, 1980. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, Indiana 47031. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, Indiana 46204. *Such commodities as are dealt in by retail department stores,* (1) from Jersey City, NJ, Philadelphia, PA, points in MD and DC to Columbus, Worthington, Dayton and Cincinnati, OH and Indianapolis, IN; and, (2) between Columbus, Worthington, Dayton and Cincinnati, OH, on the one hand, and, on the other, points in CA. Supporting shippers: Shillito's Division of Federated Department Stores, 5121 Fishwick Drive, Cincinnati, OH 45216 and Gold Circle Stores, Division of Federated Department Stores, Inc., P.O. Box 63, 6121 Huntley Road, Worthington, OH 43085.

MC 106674 (Sub-4–25TA), filed June 30, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Paper and plastic bags, rolls of wrapping paper* from the plantsite of International Paper Company at or ner Jackson, TN to points in and east of ND, SD, NE, CO and NM. Supporting shipper: International Paper Company, New York, NY 10017

MC 106674 (Sub-4–27TA), filed June 30, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Cleaning and polishing compounds, textile softeners, lubricants, deodorants, disinfectants, hypo-chloride solutions, paints, stains, varnishes, plastic bags*

and filter, and materials, supplies and equipment used in the manufacture of such commodities, between the facilities of Economics Laboratory, Inc. at Avenal, NJ; Beloit, WI; Garland, TX; Joliet, IL; Livonia, MI; and Minneapolis, MN on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Restricted to the transportation of traffic either originating at or destined to the facilities of Economics Laboratory, Incorporated. Supporting shipper: Economics Laboratory, Inc., St. Paul, MN 55102.

MC 30837 (Sub-4–1TA), filed July 2, 1980. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., NW., Washington, DC 20005. *Automotive Springs,* from the International Boundry at Eagle Pass, TX to Detroit, MI. Supporting shipper: Chrysler Corporation, 6334 Lynch Rd., Detroit, MI 48231.

MC 6031 (Sub-4–1TA), filed July 2, 1980. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular; *metal articles,* (1) between the facilities of U.S. Steel Supply Division of United States Steel Corporation located in the Commercial Zones of Milwaukee, WI and Chicago, IL; and (2) from said facilities in the Milwaukee, WI Commercial Zone, to South Beloit, IL, and points in the Upper Peninsula of MI; under continuing contract(s) with United States Steel Corporation. An underlying ETA seeks 90 days authority. Supporting shipper: United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15230.

MC 125677 (Sub-4–1TA), filed July 2, 1980. Applicant: STERLING FREIGHT LINES, INC., 4603 W. 138th St., Crestwood, IL 60445. Representative: Richard M. Kates, Suite 1900, 2 N. LaSalle St., Chicago, IL 60602. Common; irregular; *Portland Cement-bulk* from Chicago & Lemont IL to points in the following WI counties: Kenosha, Walworth, Racine & Milwaukee. An underlying ETA seeks 90 days authority. Supporting shipper: Dundee Cement Company, 15215 Day Road, Dundee, MI 48131.

MC 128837 (Sub-4–14TA), filed July 2, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. (1) *Panel walls and partitions,* from Cincinnati, OH to points in IL, IN, MA, NY and NJ; (2) *Aluminum window frames* with and without panes, from Springfield, MO to Cincinnati, OH: (3) *Plastic sheets or plates* n.o.i. flat or corrogated self-supporting (rigid), from Hawthorne, CA to Cincinnati, OH; (d) *Insulation,* from San Antonio, TX to Cincinnati, OH; (restricted to movements originating or terminating at the facilities of Sanstruction at Cincinnati, OH). An underlying ETA seeks 90 days authority. Supporting Shipper: Sanstruction, 6200 Vine St., Cincinnati, OH 45200.

MC 147007 (Sub-4–3TA), filed July 3, 1980. Applicant: EVERFRESH TRANSPORTATION COMPANY, 6431 East Palmer, Detroit, MI 48211, John S. Barbour, 2711 East Jefferson, Suite 202, Detroit, MI 48207. *Contract;* irregular; *Motor vehicle parts, components, machinery, equipment or parts, materials, supplies, advertising materials and equipment, materials and supplies utilized in the manufacture thereof;* (1) Between shipper's facilities at Warren, Center Line and Marysville, MI on the one hand, and on the other, points in GA., and FL. (2) Between shipper's facilites in GA, on the one hand, and on the other, shipper's facilities in FL. (3) From shipper's facilities at Newark and Newcastle, DE., to shipper's facilities at Warren, Center Line and Marysville, MI., under continuing contract(s) with Chrysler Corporation, Service and Parts division, 26311 Lawrence Ave., Center Line, MI 48015.

MC 149325 (Sub-4–4TA), filed: June 30, 1980. Applicant: WALT TERMINAL, INC., 401 West South Street, Indianapolis, IN 46225. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Precast structural concrete,* from the facilities of American Precast Concrete, Inc., and its subsidiary Span-Deck, Inc., located at or near Indianapolis, IN and Westfield, IN, to points in IL, KY, MI, MO, OH, and WI. Supporting Shipper: American Precast Concrete, Inc., 1030 South Kitley, Indianapolis, IN.

MC 151183 (Sub-4–1TA), filed July 1, 1980. Applicant: DOUGLAS F. GULLICKSON AND JAMES L. HANSON d.b.a. CAR CITY TRANSPORT COMPANY, Route 9, Box 231, Chippewa Falls, WI 54729. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. (1) *New automobiles* from Naperville, IL and (2) *Used motor vehicles* from points in the Chicago, IL commercial zone to the facilities of Car City Sales, Inc. in Chippewa County, WI. An nderlying ETA seeks 90 days authority. Supporting shipper: Car City Sales, Inc., Route 9, Box 231, Chippewa Falls, WI 54729.

MC 106674 (Sub-4–26TA), filed June 3, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Paper and plastic articles* from the facilities of American Can Company at Lexington, KY to points in IL, IN, MI, MN, OH, PA, TN and WV. Supporting shipper: American Can Company, Lexington, KY 40511.

MC 150497 (Sub-4–2TA), filed July 2, 1980. Applicant: D AND R TRUCKING CO., P.O. Box 38, Hoople, ND 58243. Representative: David C. Britton, 1425 Cottonwood Street, Grand Forks, ND 58201. Common; irregular; *Commodities dealt in or used by wholesale distrbutors of alcoholic beverages, except in bulk,* from LaCrosse and Milwaukee, WI, and St. Paul, MN to Crookston, MN and Grand Forks, ND. Supporting shippers: Anderson Beuerages, Inc, P.O. Box 92, Crookston, MN. 56716, Nodak Sales Co., P.O. Box 995, Grand Forks, ND 58201.

MC 127840 (Sub-4–6TA), filed July 1, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Transporting Orange Juice Concentrate, in bulk, in tank vehicles,* from points in Florida to Bonner Springs, KS. Supporting shipper: Bodine's Inc., 5757 W. 59th Street, Chicago, IL 60638.

MC 143500 (Sub-IV–3TA), filed July 2, 1980. Applicant: R. B. CARRIERS, INC., 4425 Highway 31 E., Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract;* Irregular (1) *stove pipe, chimneys, ducts, flashings and* (2) *metal products, equipment, materials and supplies used in the manufacture, sale, and distribution of commodities named in* (1) *above* (except commodities in bulk, in tank vehicles), between Redwood City, CA, and Vicksburg, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Dura-Vent Corp. Underlying ETA seeks 90 days authority. Supporting shipper: Dura-Vent Corporation, P.O. Box 2249, Redwood City, CA 94064.

MC 149170 (Sub-4–10TA), filed July 2, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Alcoholic beverages, cordials and mixes (except in bulk)* From Cincinnati, OH; Frankfort, KY;

Lawrenceberg, IN; Peoria and Plainfield, IL; Minneapolis and St. Paul, MN; Madera, Alameda, San Jose, Burlingame, Monterey, Samoa and Geyersville, Ca, to the warehouse facilities of Sodak Distributing Company located at Sioux Falls and Rapid City, SD. Restricted to traffic destined to Sodak Distributing Company facilities located at Sioux Falls and Rapid City, SD. Supporting shipper: Sodak Distributing Company, 1401 East Sioux, Sioux Falls, SD.

MC 151174 (Sub-4–1TA), filed July 1, 1980. Applicant: GRANE TRANSPORTATION LINES, LTD., 1011 South Laramie Avenue, Chicago, IL 60644. Representative: John R. Zang (same as applicant). Contract, Irregular: *Such commodities as are dealt in by retail department stores (except commodities in bulk, Class A or B explosives, merchandise of extraordinary value, household goods as defined by the Commission),* (1) To or from all facilities utilized by Zayre Corp. located in the states of IN, IL, MI, WI, IA, KY, and OH. Supporting shipper: Zayre Corp., Framingham, MA.

MC 99680 (Sub-4–1TA), filed July 2, 1980. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th Street, Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *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 commodities requiring special equipment),* (1) between Champaign, IL and Evansville, IN serving all intermediate points: from Champaign over Interstate Highway 74 to its junction with U.S. Highway 150, thence over U.S. Highway 150 to its junction with U.S. Highway 41, thence over U.S. Highway 41 to Evansville and return over the same route; (2) between Effingham, IL and Terre Haute, IN: from Effingham over Interstate Highway 70 to Terre Haute and return over the same route; (3) between Effingham, IL and Evansville, IN serving all intermediate points: from Effingham over Illinois Highway 33 to Newton, IL, thence over Illinois Highway 130 to its intersection with U.S. Highway 50, thence over U.S. Highway 50 to its intersection with U.S. Highway 41, thence over U.S. Highway 41 to Evansville and return over the same route; (4) between St. Louis, MO and Evansville, IN serving all intermediate points: from St. Louis over Interstate Highway 64 to its intersection with U.S. Highway 41, thence over U.S. Highway 41 to Evansville and return over the same route; and (5) between Collinsville, IL and Effingham, IL: from Collinsville over U.S. Highway 40 to Effingham and return over the same route.

Note.—Applicant intends to tack the authority with its existing regular-route authority. 30 supporting shippers.

MC 99680 (Sub-4–2TA), filed July 2, 1980. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th Street, Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *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 commodities requiring special equipment),* (1) between Jacksonville, IL and Dubuque, IA serving all intermediate points and the off-route point of Rushville, IL: from Jacksonville over U.S. Highway 67 to its intersection with U.S. Highway 52, thence over U.S. Highway 52 to Dubuque and return over the same route; from Jacksonville over U.S. Highway 67 to its intersection with U.S. Highway 136, thence over U.S. Highway 136 to its intersection with U.S. Highway 61, thence over U.S. Highway 61 to Dubuque and return over the same route; (2) between Monmouth, IL and Burlington, IA: from Monmouth over U.S. Highway 34 to Burlington and return over the same route; (3) between Peoria, IL and Monmouth, IL serving Galesburg, IL as an intermediate point: from Peoria over Interstate Highway 74 to its intersection with U.S. Highway 34, thence over U.S. Highway 34 to Monmouth and return over the same route; (4) between Peoria, IL and Rushville, IL: from Peoria over U.S. Route 24 to Rushville and return over the same route; and (5) between Springfield, IL and Rushville, IL: from Springfield over Illinois Highway 125 to its intersection with U.S. Highway 67, thence over U.S. Highway 67 to its intersection with U.S. Highway 24, thence over U.S. Highway 24 to Rushville and return over the same route.

Note.—Applicant intends to tack the authority with its existing regular-route authority. 14 supporting shippers.

MC 147400 (Sub-4–1TA), filed July 2, 1980. Applicant: RAEMARC, INC., 1903 Chickory Road, P.O. Box 1203, Racine, WI 53403. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *(1) 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, and (2) empty containers,* between the Chicago, IL and Milwaukee, WI commercial zones on the one hand and on the other hand, points in IA, IL, IN, KS, MI, MO, OH, and WI, restricted in (1) above to the transportation of traffic having an immediately prior or subsequent movement by rail or water. There are 6 supporting shippers.

MC 80430 (Sub-4–4), filed July 2, 1980. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wisconsin 54601. Representative: Lem Smith, 455 Park Plaza Drive, La Crosse, Wisconsin 54601. *Iron and steel articles, materials, equipment and supplies used in the manufacture and distribution of Iron and Steel articles,* from the facilities of Van Huffel Tube Corporation, Warren, Ohio to points in the states of Iowa, Minnesota, Missouri and Wisconsin. Supporting shipper: Van Huffel Tube Corp., Dietz Road, Warren OH 44481.

MC 64932 (Sub-4–7TA), filed July 2, 1980. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. *Resins,* in bulk, in tank vehicles, from Ferndale, MI, to points in NC, SC, and FL. Supporting shipper: Reichhold Chemcials, Inc., 601 Woodward Heights Boulevard, Ferndale, MI 48220.

MC 150862 (Sub-4–1TA), filed July 2, 1980. Applicant: ALBERT KROSNIUNAS, 6425 S. Mozart, Chicago, IL 60629. Representative: Albert Krosniunas (same address as applicant). *New furniture,* from the facilities of Omni Directional, Inc. at Chicago, IL to points in the states of MI, IN, MO, IA, KY, WI, OH and TN. Supporting shipper: Omni Directional, Inc., 2000 W. Fulton, Chicago, IL 60615. An underlying ETA seeks 90 days authority.

MC 134730 (Sub-4–5), filed July 2, 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 New Berlin, WI on the one hand, and, on the other, points in the U.S. including AK but excluding HI, under a continuing contract(s) with Oven Systems, Inc., New Berlin, WI. 16875 W. Ryerson Road, New Berlin, WI 53151.

MC 144630 (Sub-4–10TA), filed July 2, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O.

Box 40248, Indianapolis, IN. 46240. *Steel shelving and bins, unassembled pallet racks, storage racks, screws, and storage cabinets and accessories for such commodities,* from the facilities of Frick-Gallagher Mfg. Co. at Wellston, OH to points in AL, FL, LA, MS, CA, NM, MO, AZ, CO, MN, MT, OR, TX, UT, and WA. Supporting shipper: Frick-Gallagher Mfg. Co., 201 S. Michigan, Wellston, OH. 45692.

MC 144452 (Sub-4–1TA), filed July 2, 1980. Applicant: ARLEN LINDQUIST, d.b.a. ARLEN E. LINDQUIST TRUCKING, 9172 Davenport N.E., Minneapolis, MN 55434. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Petroleum and petroleum products, automotive chemicals, and cleaning compounds, and such equipment, materials, and supplies, as are used by automotive service centers (except in bulk),* between the facilities of Valvoline Oil Company, a division of Ashland Oil, Inc. located at Willow Spings, IL on the one hand, and on the other, points in AR, CO, IL, IN, IA, KY, KS, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, WI and WY. Restricted to traffic originating at or destined to named facilities. Valvoline Oil Co., Division of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101.

MC 80430 (Sub-4–5), filed July 2, 1980. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Lem Smith, 455 Park Plaza Drive, La Crosse, WI 54601. *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 the facilities of Tradewinds, Inc., Manawa, WI, on the one hand, and, on the other, points in the States of AR, FL, GA, IL, IN, IA, KY, MI (Lower Peninsula), MN, MO, NH, NJ, NY, OH, PA, TN, and TX. Supporting shipper: Tradewinds, Inc., Manawa, WI 54949.

MC 149170 (Sub-4–11TA), filed July 2, 1980. Applicant: ACTION CARRIER, INC., 1000 E. 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. *Meat, meat products, dairy products, meat by-products and articles distributed by meat packinghouses as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (Except hides and skins and commodities in bulk).* From the facilities utilized by Fargo Beef Industries at or near Fargo, ND, to points in FL, TN, MI, IL, WI, MI, OH, PA, IN, NC, SC, GA, AL, AR, TX, OK, CA, OR, ID, KS, MN, LA and AZ. Restricted to traffic originating at the facilities of Fargo Beef Industries, Fargo, ND. Supporting shipper: Fargo Beef Industries, 413 6th St. East, Fargo, ND.

MC 43038 (Sub-4–10), filed June 30, 1980. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor Box CS 5027, Southfield, MI 48037. Representative: Paul M. Jones, 29725 Shacket Avenue, Madison Heights, MI 48071. *Motor Vehicles* (except trailers), in secondary movements, in truckaway service, between points in Texas, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, MO, OK, TX and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Saab-Scania of America, Inc., Saab Drive, P.O. Box 697, Orange, CT 06477.

MC 74176 (Sub-4–1TA), filed July 1, 1980. Applicant: WILES TRANSPORT, INC., 16901 Van Dam Rd., So., Holland, IL. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Such commodities as dealt in by paint and chemical coating manufacturers and wholesale and retail paint stores and supply houses* (except commodities in bulk and in tank vehicles), between the facilities of Standard T. Chemical Co., located at or near Chicago Heights, IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX. Restricted to traffic originating at and destined to the facilities of Standard T. Chemical Co., Inc. Supporting shipper: Standard T. Chemical Co., 10th & Washington St., Chicago Heights, IL 60411.

MC 118696 (Sub-4–19TA), filed July 1, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Cabinets, and materials, equipment and supplies used in the manufacture and distribution thereof,* from Jasper, IN and Bryan, OH to Chicago, IL and its commercial zone. Supporting shipper: Matsushita Industrial Company, 9401 West Grand Avenue, Franklin Park, IL 60131.

MC 126346 (Sub-4–12TA), filed June 30, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. *Contract* irregular: (1) *Plumbing fixtures* and *fittings,* and *materials, equipment and supplies* used in the manufacture and distribution of plumbing fixtures and fittings, between the facilities utilized by Kohler Company at Spartanburg County, SC; Brown County, TX; and Sheboygan County, WI; and points in the U.S. (2) *Electric generators and internal combustion engines,* and *materials, equipment and supplies* used in the manufacture and distribution of electric generators and intenral combustion engines, between the facilities utilized by Kohler Company at Sheboygan County, WI and points in the U.S. Restricted in (1) and (2) above to shipments moving under continuing contracts with the Kohler Company. Supporting shipper: Kohler Company, Kohler, WI, 53044.

MC 126346 (Sub-4–10TA), filed June 30, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. *Contract irregular: Iron and steel articles* between Chicago, IL and points in AR, IA, LA, MN, MO, ND, PA, SD, TX, and WI. Restricted to traffic moving under continuing contract with Pinkert Steel Company. Supporting Shipper: Pinkert Steel Company, 1132 N. Blackhawk St., Chicago, IL.

MC 126346 (Sub-4–11TA), filed July 1, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle Street, Chicago, IL 60603. *Contract,* irregular, *Agricultural tractors and parts and attachments therefore,* between points in the U.S. Restricted to traffic moving under continuing contract with Belarus Machinery, Inc. Supporting shipper: Belarus Machinery, Inc., 7075 W. Parkland Ct., Milwaukee, WI 53223.

MC 142888 (Sub-4–1TA), filed June 30, 1980. Applicant: COX TRANSFER, INC., Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Beer and materials and supplies used in the manufacture and/or distribution of beer,* from Ft. Wayne, IN, St. Louis, MO and Milwaukee, WI to Galesburg, IL (restricted to traffic destined to the facilities of G & M Distributing at Galesburg, IL). An underlying ETA seeks 90 days authority. Supporting shipper: G & M Distributing Company, 200 N. Linwood Road, P.O. Box 529, Galesburg, IL 61401.

MC 145481 (Sub-4–4TA), filed June 30, 1980. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th Street, Suite 2600. *Plastic probe covers for electronic thermometers,* from Warren, PA to the facilities of Eli Lilly & Company located at Atlanta, GA; Indianapolis, IN; and Enfield, CT. An

underlying ETA seeks 90 days authority. Supporting shipper: Eli Lilly & Company, 1555 South Kentucky Avenue, Indianapolis, IN 46206.

MC 151048 (Sub-4–1TA), filed June 30, 1980. Applicant: MODERN EXPRESS, INC., 2091 Kasota Avenue, St. Paul, MN 55108. Representative: James F. Finley, Finley & Hoekstra, P.A., 1401 Silver Lake Rd., New Brighton, MN 55112. *General commodities* (except those of unusual value, classes A and B explosives household goods as defined by the Commission, commodities in bulk and those which because of size or weight require the use of special equipment.) between points in the Minneapolis/St. Paul, MN Commercial Zone on the one hand and on the other points in the Counties of Houston, Fillmore, Mower, Steele, Freeborn, Dodge, Olmstead, Winona, Rice, Goodhue, Wabasha, Dakota, Washington and Waseca, MN and points in the Counties of St. Croix, Pierce, Dunn, Chippewa, Eau Claire, Buffalo, Pepin, Trempealeu, LaCrosse, Monroe and Jackson WI. Corresponding ETA seeks 90 days authority. Supporting shippers: Western Publishing Co., Inc., 1220 Mound Avenue, Racine, WI Intercraft Industries, 1800 N. Clybourn Avenue, Chicago IL 60614.

MC 103798 (Sub-4–2TA), filed July 30, 1980. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Stephen F. Grinnell, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Canned and preserved foodstuffs,* from Kenosha, WI to the facilities of Heinz USA at or near Iowa City, IA. An underlying ETA seeks 90 days authority. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 146742 (Sub-4–1TA), filed July 2, 1980. Applicant: H & F TRUCKING COMPANY, INC., R.R. #4, Mattoon, IL 61938. Representative: Robert W. Gardier, Jr., 100 E. Broad St., Columbus, OH 4321. *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Loxa, IL, on the one hand, and, on the other, Indianapolis, IN, serving all intermediate and off-route points, for 180 days, from Loxa, IL, over IL Hwy 16 to jct of IL Hwy 16 and US Hwy 150, then over US Hwy 150 to jct US Hwy 150 and US Hwy 40 at Terre Haute, IN, then over US Hwy 40 to Indianapolis, IN, and return. Supporting shipper: Unarco Home Products, Inc. Div. of Unarco Indus., P.O. Box 429, Paris, IL 61944.

MC 146110 (Sub-4–1TA), filed July 2, 1980. Applicant: SMALL SHIPMENT EXPRESS OF ILLINOIS, INC., 9623 North Karlov Avenue, Skokie, IL 60076. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in by mail order, direct selling, wholesale, and catalogue sales companies,* from the facilities of Shaklee Corporation, at Chicago, IL, to points in MO, Supporting shipper: Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608.

MC 149022 (Sub-4–1TA), filed July 2, 1980. Applicant: J. C. TRUCKING, 52621 Fir Road, Granger, IN 46530. Representative: Dennis P. Carrico, 2626 Northwood, Mishawaka, IN 46544. Contract; Irregular: *Lumber and building materials sold at retail by Wickes Lumber to its customers,* from Huntertown, IN to its customers located within a radius of 75 miles thereof, with right of return of merchandise to the aforementioned outlets, for the account of Wickes Lumber. An underlying ETA seeks 90 days authority. Supporting shipper: Wickes Lumber, Div. of Wickes Corp., 3226 Lafayette Road, Indianapolis, IN 46222.

MC 111310 (Sub-4–4TA), filed July 2, 1980. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Paper and paper products* from Fort Atkinson, WI to Warner Robins, GA; Lapel and Marion, IN; Rosemount and Shakopee, MN; Eden and Winston-Salem, NC; Auburn, Fulton and Volney, NY; Ada and Henryetta, OK; Brockway, PA; Waco, TX and Danville, VA. An underlying ETA seeks 90 days authority. Supporting shipper: Philip Morris Industrial, Inc., 4200 North Holton Street, P.O. Box 294, Milwaukee, WI 53201.

MC 1328 (Sub-4–2TA), filed July 2, 1980. Applicant: MGS TRANSPORTATION, INC., 401 Park Avenue, Alexandria, IN 46001. Representative: Charles M. Garrett (address same as applicant). *Contact:* Irregular; *Plastic bottles, and materials and supplies used in the manufacturing and distribution of plastic* articles, except in bulk from Franklin, IN to DE, IA, MN, NC, NY, PA and VA. An underlying ETA seeks 90 days authority. Supporting shipper: Hoover Universal, Inc., Route 2, Tri Port Road, Georgetown, KY.

MC 141138 (Sub-4–2TA), filed July 3, 1980. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, IL 62221. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Animal, poultry and fish feed and feed ingredients,* dry, in bulk, from the facilities of Ralson Purina Company at Richmond, IN, to Lake Village, AR and Greenville, MS. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO, 63188.

MC 124078 (Sub-4–25TA), filed July 3, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Lime or limestone products,* from Piqua, Ohio to points in the state of IN. Supporting shipper: Armco, Inc., 703 Curtis Street, Middletown, OH 45043.

MC 124078 (Sub-4–26TA), filed July 3, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Cement,* from Hagerstown, Frederick, Baltimore, Annapolis and Sparrow Point, MD. Supporting shipper: Southwestern Portland Cement Company, 506 East Xenia Drive, Fairborn, OH 45324.

MC 151168 (Sub-4–1TA), filed July 1, 1980. Applicant: STEPHEN W. KETCHUM, d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Motorcycles, snowmobiles, and all-terrain vechicles, and parts and accessories for the foregoing,* between points in MI, on the one hand, and, on the other, points in IL, IN, OH, KY, and TN. Supporting shippers: Seven supporting shippers.

MC 3468 (Sub-4–2TA), filed July 10, 1980. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Automobiles, trucks, and chassis,* in truckaway movements, in secondary service, from Providence, RI, to points in DE, MD, MA, MI, NJ, NY, OH, PA, WV, and DC. Supporting shipper: Saab-Scania of America, Inc., P.O. Box 697, Saab Drive, Orange, CT 06477.

MC 138896 (Sub-4–3TA), filed July 2, 1980. Applicant: AJAX TRANSFER COMPANY, 550 East 5th Street So., So. St. Paul, Minnesota 55075. Representative: Randy Busse, Traffic Manager, 550 East 5th Street So., So. St. Paul, Minnesota 55075. *Such commodities as are dealt in by retail grocery stores, and equipment, materials and supplies used in the manufacture of such commodities (except commodities in bulk),* between

the facilities of Gourmet Foods, Inc. located at St. Paul, MN and points in IA, IL, NE, ND, SD, WI, and the Upper Peninsula of MI. Supporting shipper: Gourmet Foods, 860 Vandalia, St. Paul, MN 55114.

MC 126346 (Sub-4–9TA), filed July 2, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract,* irregular, *Such commodities as are dealt in or used by manufacturers of concrete block or patio block,* between the facilities of Wausau Tile at Wassau, WI on the one hand, and, on the other, points in the U.S. Restricted to traffic moving under continuing contract with Wausau Tile. Supporting shipper: Wausau Tile, P.O. Box 1520, Wausau, WI 54401.

MC 141317 (Sub-4–1TA), filed July 7, 1980. Applicant: HAAG TRANSPORT, INC., P.O. Box 125, Shelburn, IN 47879. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *(1) Plastic containers (2) Salt, pepper, and sodiumhydrosulfide, in plastic containers,* from Shelburn, IN to points in PA, WV, and NJ, restricted to service to be performed under a continuing contract with Ken Hagen Manufacturing Company. Supporting shipper: Ken Hagen Manufacturing Company, 3 Railroad Street, Shelburn, IN 47879.

MC 134477 (Sub-4–32TA), filed July 7, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischback, P.O. Box 43496, St. Paul, MN 55164. *(1) Wearing apparel and (2) materials and supplies used in the manufacture of wearing apparel (except commodities in bulk),* from Perry, NY to South Bend, IN. Supporting shipper: Champion Products, Inc., P.O. Box 850, Rochester, NY 14603.

MC 128837 (Sub-4–15TA), filed July 7, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. (1) *Charcoal briquettes, in bags,* from Howes, MO to points in AL, AR, CO, IA, IL, IN, KY, KS, MI, NB, OH, PA and TN; (2) *Empty paper bags,* from Savannah, GA, Pensacola, FL, West Monroe and Hodge, LA to Howes, MO; (3) *Sodium nitrate,* from Pensacola, FL and Lake Charles, LA to Howes, MO. All of the above restricted to movements originating or terminating at the facilities of Cupples Company Manufacturers at Howes, MO. Supporting shipper: Cupples Company Manufacturers, 1304 South Brentwood, Suite 1660, Richmond Heights, MO 63117.

MC 134477 (Sub-4–31TA), filed July 7, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischback, 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 commodities in bulk),* from the facilities of Economics Laboratory, Inc. at or near South Holland, IL to points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. An underlying ETA seeks 90 days authority. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC 134477 (Sub-4–30TA), filed July 7, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischback, P.O. Box 43496, St. Paul, MN 55164. *(1) Welders, battery chargers, electrical apparatus, welding supplies and related parts and (2) equipment, materials and supplies used in the manufacture and sale of commodities in (1) above (except commodities in bulk),* between the facilities of Century Manufacturing Co. at or near Minneapolis, MN on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 90 days authority. Supporting shipper: Century Manufacturing Company, 9231 Penn Ave. So., Minneapolis, MN 55431.

MC 150527 (Sub-4–2TA), filed July 7, 1980. Applicant: TLX, INC., P.O. Box 2278, Hessville, IN 46323. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *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) from Canton, MS to all points in the U.S. (except AK and HI) and (2) from Alamogordo, NM to Canton, MS. An underlying ETA seeks 90 day authority. Supporting shipper: National Presto Industries, Inc., 3925 North Hastings Way, Eau Claire, WI 54701.

MC 139482 (Sub-4–12TA), filed July 3, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *(1) Foodstuffs, (2) materials, supplies and equipment used in the manufacture and distribution of foodstuffs (except commodities in bulk),* from Chicago, IL and its commercial zone to Arlington, TX, Atlanta, GA, Baltimore, MD, Birmingham, AL, Boston, MA, Buffalo, NY, Charlotte, NC, Cincinnati, Cleveland, Columbus, OH, Davenport, IA, Denver, CO, Des Moines, IA, Detroit, Grand Rapids, MI, Green Bay, WI, Huntington, WV, Jacksonville, FL, Jersey City, NJ, Kansas City, MO, Los Angeles, CA, Memphis, TN, Milwaukee, WI, Minneapolis, MN, Nashville, TN, New Orleans, LA, Omaha, NE, Pittsburgh, PA, Portland, OR, St. Louis, MO, Salt Lake City, UT, and San Francisco, CA. Supporting shipper: Tootsie Roll Industries, Inc., 7401 S. Cicero Ave., Chicago, IL 60629.

MC 149170 (Sub-4–10TA), filed July 2, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Alcoholic Beverages, Wines & Cordials, Non-Alcoholic Beverages in mixed loads with alcoholic beverages and wines (Except in bulk)* From points in the states of CA, IL, IN, KY, MA, MI, NY, OH, and TN to the facilities of Midland Distributing, Inc. located in Sioux Falls, SD. Restricted to traffic destined to the facilities of Midland Distributing, Inc. located in Sioux Falls, SD. Supporting shipper: Midland Distributing, Inc., 110 West 5th, Sioux Falls, SD 57102.

MC 117644 (Sub-4–3TA), filed July 2, 1980. Applicant: D & T TRUCKING CO., INC., 498 First Street, N. W., New Brighton, MN 55112. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *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 because of size or weight), between points in AL, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. *Restriction:* restricted to the transportation of traffic moving to, from or between the facilities of or utilized by Minnesota Mining and Manufacturing Company (3M Company) or its wholly owned subsidiaries. Supporting shipper: 3M Company, St. Paul, MN 55144.

MC 151192 (Sub-S4–1), filed July 3, 1980. Applicant: MARTHA M. KLIMAS d.b.a. KLIMAS PETROLEUM HAULING, 9139 S. 88th Avenue, Hickory Hills, IL 60457. Representative: Jack H. Blanshan, 205 West Touhy Avenue Suite 200, Park Ridge, IL 60068. *Contract;* Irregular. *Chemicals and petroleum products* (in bulk, in tank vehicles) from the facilities of Ashland Chemical Company Division

of Ashland Oil, Inc. at Chicago, IL and points in its commercial zone to points in WI under a continuing contract with Ashland Chemical Company Division Ashland Oil, Inc. Supporting shipper: Ashland Chemical Company, Div. Ashland Oil, Inc., 5200 Blazer Parkway, Dublin, OH 43017.

MC 80443 (Sub-4–1TA), filed July 3, 1980. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Cleaning and polishing compounds, textile softeners, lubricants, deodorants, disinfectants, hypo-chloride solutions, paints, stains, varnishes, plastic bags and filters;* also *materials, supplies and equipment* used in the manufacture of such commodities (except in bulk in tank vehicles), between all points in the U.S. except AK and HI, restricted to traffic moving to or from facilities utilized by Economics Laboratory, Inc. Supporting shipper: Economics Laboratory, Inc., St. Paul, MN).

MC 144293 (Sub-4–2TA), filed July 2, 1980. Applicant DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Thomas J. Beener, 67 Wall Street, New York, NY 10005. *Beverages* (except in bulk) between the facilities of Shasta Beverages at Columbus, OH, Kansas City, KS, St. Louis, MO on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, ND, SD and WI. Supporting shipper: Shasta Beverages, 26901 Industrial Boulevard, Hayward, CA 94545.

MC 147433 (Sub-4–2TA), filed July 2, 1980. Applicant: LONG LEASING CORP., P.O. Box 587, East Jordan, MI 49727. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Reproduction automobiles and materials and supplies used in connection with the manufacture and distribution thereof,* between Battle Creek, MI, on the one hand, and, on the other, points in AZ, CA, CO, OR, UT, and WA. Supporting shipper: The Model A & Model T Motor Car Reproduction Corporation, 200 Elm Street, P.O. Box 1402, Battle Creek, MI 49017.

MC 103993 (Sub-4–18TA), filed July 2, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Passenger Automobiles and Trucks, in secondary movements, in truck-away service,* from the facilities of Zimmer Motor Van, at or near Cordele, GA, to points in FL, IN, MD, NC, NJ, OH, PA, SC, VA, and WV. "An underlying ETA seeks 90 days authority", Supporting shipper: Zimmer Motor Van, Cordele, GA, 31015.

MC 103993 (Sub-4–17TA), filed July 2, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Lumber and Wood Products,* from the several facilities of Allied Forest Products, located at or near Fredonia, AZ, Alamagordo, NM, Panquitch and Escalante, UT, to points in OK, TX, AR, MO, IA, IL, IN, OH, MI, MN, KY, and TN. "An underlying ETA seeks 90 days authority". Supporting shipper: Allied Forest Products, Portland, OR 97201.

MC 108859 (Sub-4–3TA), filed July 2, 1980. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49829. Representative: Elmer J. Wery, P.O. Box 3548, Green Bay, WI 54303. *Such commodities as are dealt in by wholesale and retail grocery stores and food business houses,* from the facilities of International Multifoods Corporation at or near New Prague, LeSueur County, MN, on the one hand, and on the other, points in the Upper Peninsula of MI. An underlying ETA seeks 90 days authority. Supporting shipper: International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, MN 55402. Applicant does not intend to tack with its existing authority or interline.

MC 107295 (Sub-4–15TA), filed July 3, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). (1) *Conduit, raceways, wireways, trays, channels, junction boxes, pipe hangers, parts and accessories,* from Norcross, GA, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities named in (1) above, from points in the U.S. (except AK and HI), to Norcross, GA. Supporting shipper: B-Line Manufacturing Co., 509 Monroe, Highland, IL 62249.

MC 106674 (Sub-4–28TA), filed July 2, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between all points in the U.S. in and east of the States of ND, SD, NE, KS, OK and TX, restricted to traffic originating at or destined to the facilities of the United States Gypsum Company. Supporting shipper: United States Gypsum Company, 101 South Wacker Drive, Chicago, IL 60606.

MC 119654 (Sub-4–4TA), filed July 3, 1980. Applicant: HI-WAY DISPATCH, INC., P.O. Box 509, 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. (1) *Household appliances,* from the facilities of the General Electric Company at Louisville, KY, to points in IL, IN, MI, MO, OH, PA and WI; and (1) *Materials, equipment and supplies* used in the manufacture, sale and distribution thereof, in the reverse direction. Supporting shipper: General Electric Company, Appliance Park, Louisville, KY 40225.

MC 117644 (Sub-4–2TA), filed July 2, 1980. Applicant: D & T TRUCKING CO., INC., 498 First Street N.W., New Brighton, MN 55112. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Parts, equipment and materials used in the manufacture, assembly and repair of automotive buses* from Chicago, IL; Anderson, Elkhart, Lafayette, LaGrange, Marion and Noblesville, IN; Detroit and Coldwater, MI; Cleveland, Dayton and Elyria, OH; and Mineral Point, WI; to Hallock, MN, and Pembina, ND. Supporting shipper: Motor Coach Industries, Inc., Pembina, ND 58271.

MC 116915 (Sub-4–10TA), filed July 3, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., RT. #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. *Scrap aluminum, aluminum, copper scrap, brass scrap,* between all points in the US, restricted to traffic originating at or destined to the facilities of Teller Metals Company, or their customers and suppliers. Supporting shipper: Teller Metal Company, 12115 Lackland Road, Suite 219, St. Louis, MO 63141.

MC 116915 (Sub-4–9TA), filed July 3, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. *Iron and steel articles* between points in and east of MN, IA, MO, KS, OH, and TX, restricted to traffic originating at or destined to the facilities of Mid State Steel Supply, or their customers and suppliers. Supporting shipper: Mid-States Steel Supply Corp., 219 North 5th Street, St. Charles, MO 63301.

MC 128205 (Sub-4–5TA), filed July 3, 1980. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601.

Ammonium Nitrate Fertilizer, in bulk, in tank vehicles, from Seneca, IL to Kankakee, IL, restricted to commodities having an immediately prior or subsequent movement by rail. Supporting shipper(s): E. I. du Pont de Nemours and Company, 1007 Market St., Wilmington, DE 19898.

MC 129387 (Sub-4–4TA), filed July 7, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 1271, Huron, SD 57350. *Cleaning, washing, buffing or polishing compound; textile softener; lubricating grease or oils; deodorants or disinfectants* (except commodities in bulk), from South Holland, IL and its commercial zone to points in CA, CO, IA, MO, NE, ND and SD. Supporting shipper: Economic Laboratory, Inc., St. Paul, MN.

MC 123407 (Sub-4–40TA), filed July 7, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Paper and paper products* from Macon, GA, and Griffith, IN, to points in and east of MN, IA, MO, KS, OK, and TX, restricted to the transportation of shipments originating at the facilities of Packaging Corporation of America. Supporting shipper: Packaging Corporation of America, 1603 Orrington Avenue, Evanston, IL 60204.

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 200 (Sub-5–27TA), filed: June 25, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *Cheese Imitations; Shortening; Vegetable oils; Salad Dressings; Oleomargarine,* from the facilities of Anderson-Clayton Foods at or near Jacksonville, IL to points in PA, TX, VA, and WV. Restricted to shipments originating at the named origin and destined to the indicated destinations. Supporting shipper: Anderson-Clayton Foods, P.O. Box 226165, Dallas, TX 73226.

MC 200 (Sub-5–28TA), filed: June 25, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis, (same address as applicant). *Fiberglass homes, disassembled, and wood panels covered with fibreglass,* from the facilities of American Solartron Corporation at or near Centralia, IL to all points and places in the United States (except AK and HI). Restricted to shipments originally at the named origin. Supporting shipper: American Solartron Corporation, P.O. Box 170, Route 5, Centralia, IL 62801.

MC 200 (Sub-5–29TA), filed: June 26, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis, (same address as applicant). *Wheels and Rims,* between the facilities of Webb Wheel at or near Siloam Springs, AR and Clearfield, UT. Restricted to shipments originating at the named origin and destined to the indicated destination. Supporting shipper: Webb Wheel DIv., P.O. Box 8, Lebanon, IN 46052.

MC 200 (Sub-5–30TA), filed: June 26, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis, (same address as applicant). Common; regular. *General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* serving the facilities of T. J. Lipton, Inc. at or near Suffolk, VA as an off-route point in connection with applicant's regular route authority. Restricted to shipments originating at or destined to the indicated facility. Supporting shipper: Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, NJ 07632.

MC 200 (Sub-5–31TA), filed June 26, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *Expanded polystyrene products (including insulation),* from the facilities of Culpepper and Associates of CA (CA Expanded Plastics) at or near Riverside, CA to all points in AZ, NV, and UT. Restricted to shipments originating at the named origin and destined to the indicated destinations. Supporting shipper: Culpepper and Associates of CA, 3016–5 Kansas Avenue, Riverside, CA 92507.

MC 200 (Sub-5–32TA), filed June 26, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *Reels of wire rope,* from the facilities of Wire Rope Corporation of America, Inc. at or near St. Joseph, MO to Houston, TX and its commercial zone. Restricted to shipments originating at the named origin and destined to the indicated destination. Supporting shipper: Wire Rope Corporation of America, Inc., 609 N. 2nd Street, St. Joseph, MO 64501.

MC 200 (Sub-5–33TA), filed June 26, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *Plastic bottles and plastic pails,* from the facilities of Del Kay Plastics, Inc. at or near Inglewood, CA to Phoenix, AZ and Salt Lake City, UT., and their commercial zones. Restricted to shipments originating at the named origin and destined to the indicated destinations. Supporting shipper: Del Kay Plastics, Inc., 200 E. Beach Blvd., Inglewood, CA 90302.

MC 200 (Sub-5–34TA), filed June 27, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *Foodstuffs, and related packaging containers,* from the facilities or Phethean, Ltd. at or near LaHabra, CA to points in UT, CO, and AZ. Restricted to shipments originating at the named origin and destined to the indicated destination. Supporting shipper: Peter Phethean, Ltd., 1351 S. Beach Blvd., LaHabra, CA 90631.

MC 2229 (Sub-5–6TA), filed June 25, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). *Reinforcing Steel,* from Collierville, TN to Leamington, UT. Supporting shipper: Steel Service Company, P.O. Box 357, 155 Progress Road, Collierville, TN 38017.

MC 2392 (Sub-5–5TA), filed June 26, 1980. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Keith D. Wheeler, P.O. Box 14248, West Omaha Station, Omaha, NE 68124. From Council Bluffs, Iowa-Grand Island, NE and Lincoln, NE to points in the States of IA, KS, NE, and SD. Supporting shippers: Farmers Union Co-op Elevator Association, P.O. Box 400, 1140 So. Lincoln, Grand Island, NE 68801; Jones Oil Company, 2930 North 33rd, Lincoln, NE 68504; Ecological Energy, 3150 South 58th Str., Lincoln, NE 68506; Land O'Lakes Agricultural Services, 2827 8th Avenue South, Fort Dodge, IA 50501; Oil Products, Inc., P.O. Box 521, Council Bluffs, IA 51502.

MC 29910 (Sub-5–35TA), filed June 25, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South

Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). *Regular, common, General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between Sacramento, CA and Letterkenny Army Depot, at or near Chambersburg, PA, serving no intermediate points: From Sacramento over I–80 to UT Hwy 186, then over UT Hwy 186 to junction I–15, then over I–15 to junction I–80N, then over I–80N to junction I–80, then over I–80 to junction I–76, then over I–76 to junction U.S. Hwy 30 at Breezewood Interchange, then over U.S. Hwy 30 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Letterkenny Army Depot, and return over the same route. Also, from Sacramento, CA over I–80 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction I–70, then over I–70 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Letterkenny Arny Depot, and return over the same route. Also, from Sacramento to junction I–80 as specified above, then over I–80 to junction Alternate U.S. Hwy 95, then over Alternate U.S. Hwy 95 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction I–70, then over I–70 to junction U.S. Hwy 40, then to Letterkenny Army Depot as specified above, and return over the same route. Between Amarillo, TX and Red River Arsenal, at or near Texarkana, TX, serving no intermediate points: From Amarillo over U.S. Hwy 287 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Red River Arsenal, and return over the same route. Between Amarillo, TX and Red Stone Arsenal, at or near Huntsville, AL, serving no intermediate points. From Amarillo over I–40 to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction U.S. Hwy 72 Alternate, then over U.S. Hwy 72 Alternate to Red Stone Arsenal, and return over the same route. Between Sacramento, CA and Red Stone Arsenal, at or near Huntsville, AL, serving no intermediate points. From Sacremento over I–5 to junction I–10, then over I–10 to junction I–20, then over I–20 to junction I–65, then over I–65 to U.S. Hwy 72 Alternate, then over U.S. Hwy 72 Alternate to Red Stone Arsenal, and return over the same route. Supporting shipper: Aerojet Tactical Systems, P.O. Box 13400, Sacramento, CA 95813. Applicant intends to tack with existing authority.

MC 42011 (Sub-5–1TA), filed June 26, 1980. Applicant: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: Marvin J. McDonald, Sr., P.O. Drawer L, Tulsa, OK 74112. *Oilfield equipment, materials and supplies,* from Houston, TX to the International Boundary Line between the United States and Canada at or near Buffalo, NY. Applicant intends to interline with other carriers. Supporting shipper: Intermarine Service, Inc., Division of Global Marine Drilling Co., 7010 North Loop East, Houston, Texas 77028.

MC 52460 (Sub-5–10TA), filed June 26, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: William L. Tipton, P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. *Frozen and Canned Foodstuff* Between the facilities of Stilwell, OK, and McAllen, TX, on the one hand, and, on the other points in AL, AR, CA, FL, IL, IN, IA, KS, KY, LA, MS, MO, NE, OK, OH, TN, and TX. Restriction: Restricted to traffic originating at or destined to named facilities. Supporting shipper: Stilwell Foods, P.O. Box 432, Stilwell, OK 74960.

MC 524604 (Sub-5–11TA), filed June 26, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 E. 35th St., P.O. Box 9637, Tulsa OK 74107. Representative: William L. Tipton, 1420 W. 35th St., P.O. Box 9637, Tulsa OK 74107. *Aviation Gasoline* from Jonesboro, AR to points in CO, KS, MO, NE, NM, OK, TX, and UT *(in bulk, in tank vehicles).* Supporting shippers: Executive Aviation Gas, P.O. Box 6318, Ft. Smith, AR 72906.

MC 53965 (Sub-5–3TA), filed June 26, 1980. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 838, Salina, KS 67401. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. *Suspended fresh meat, meat, meat products,* from the facilities of John Morrell & Co. at or near Ft. Smith, AR, to points in IA, IL, MO, NE, OH, OK, SD, TX and WI. Supporting shipper: John Morrell & Co., 208 S. LaSalle, Chicago, IL.

MC 61440 (Sub-5–4TA), filed June 25, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73157. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. *(1) Milking machines, dairy farm equipment, peening machines, fertilizer tanks, wine tanks, and special processing tanks, industrial clearing equipment; and (2) Materials and supplies used in the manufacture and distribution of the commodities set forth in (1) above* between Berger and Washington, MO and Houston, TX. Supporting shipper: Zero Manufacturing Company, 81 Duncan Ave., Washington, MO 63090.

MC 75281 (Sub-5–1TA), filed June 25, 1980. Applicant: BOOTHEEL TRANSPORTATION COMPANY, P.O. Box 511, Sikeston, MO 63801. Representative: Frank D. Hall, Postell & Hall, P. C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta GA 30326. *Boxes, fibreboard, paper, or pulpboard paper, QT corrugated KDS, or folded flat in packages, and materials, equipment and supplies used, sold or dealt in by a manufacturer of milk containers,* between the facilities of Dairy Service Division of Potlatch, Inc., located at or near Sikeston, MO, on the one hand, and, on the other, points in TX, LA, AR, AL, MS, FL, GA, TN, KY, IL, IN, OH, WI, KS, CO, OK, SC, NC, VA and MD. Supporting shipper: Dairy Service Division of Potlatch, Inc., P.O. Box 609, 2200 E. Malone, Sikeston, MO 63801.

MC 109397 (Sub-5–5TA), filed June 26, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). (1) *Water pollution control machinery:* (2) *wood processing machinery;* (3) *materials, supplies, and equipment used in the manufacture and distribution of commodities in (1) and (2),* between the facilities of the Passavant Corporation located at or near Birmingham , AL, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Passavant Corporation, 125 No. Carson Rd., P.O. Box 2503, Birmingham, AL 35215.

MC 109397 (Sub-5–7TA), filed June 26, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). (1) *Air pollution control systems,* and (2) *equipment, materials* and *supplies used in the manufacture and distribution of (1) above* between the facilities of Zurn Industries, Inc. and its sub-contractors located in AL, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Zurn Industuries, Inc., 275 1st St., No., P.O. Box 2206, Birmingham, AL 35201.

MC 109397 (Sub-5–8TA), filed June 26, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). *Talc,* from Three Forks, MT, to the facilities of South west Forest Industries, Inc. located at or near Snowflake, AZ. Supporting shipper: Southwest Forest Industries, Inc., P.O. Box 7548, Phoenix, AZ 85011.

MC 109397 (Sub-5–9TA), filed June 26, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs

(same address as applicant). (1) *Electrical equipment, switchgear, electrical control panels,* and (2) *parts for commodites in (1) above,* from Sanford, FL, to points in the United States (except AK and HI). Supporting shipper: Gould-Brown Boveri, 201 Hickman Dr., Sanford, FL 32771.

MC 112822 (Sub-5–2TA), filed June 26, 1980. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little Street, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Plastic, plastic articles, and materials and supplies used in the manufacture of plastic artices,* from Houston, Texas and its Commerical Zone to Chicago, and its Commerical Zone and Luxemburg, WI. Supporting shipper: API American Polymers, Ind., Inc., 1268 Silber, Houston, TX 77055.

MC 118535 (Sub-5–1TA), filed June 26, 1980. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Mr. Jim Tiona, Jr. (same address as applicant). *Salt and salt products and materials and supplies used in the agricultural, water treatment, food processing, grocery and institutional supply industries in mixed loads with salt products* from Grand Saline, TX to points in KY, MS and TN. Supporting shipper: Morton Salt Compnay, 110 North Wacker, Chicago, IL 60606.

MC 118535 (Sub-5–2TA), filed June 26, 1980. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO. 64730. Representative: Jim Tiona, Jr. (same address as applicant). *Sand,* from Ottawa, MN to points in AR, CO, KS, LA, MO, MS, MT, NE, NM, OK, TX, UT and WY. Supporting shipper: Halliburton Services Division, P.O. Drawer 1431, Duncan, OK 73533.

MC 119741 (Sub-5–10TA), filed June 26, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). *Rust preventives; coolants, adhesives, sealers, release paper; packaging papers; films; cleaning, scouring, and washing compounds; petroleum distillates; electrical appliances; and pneumatic operated tools,* between the facilities of Daubert Chemical Co. located at or near Chicago and Dixon, IL, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: Daubert Chemical Co., 1200 Jorie Boulevard, Oak Brook, IL 60521.

MC 128273 (Sub-5–13TA), filed June 26, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities (except commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities which, because of size or weight, require the use of special equipment, and commodities in bulk, in tank vehicles),* from Los Angeles, Co., CA, to points in AR, IA, IL, KS, LA, MO, NE, OK, OR, TN, TX and WA. Restricted to traffic originating at the facilities of Purex Corporation. Supporting shipper: Purex Corporation, 24600 So. Main Street, Carson, CA 90749.

MC 129908 (Sub-5–26TA), filed June 19, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 SW., 15th Street, Oklahoma City, OK 73107. Representative: John S. Odell, P.O. Box 75410, Oklahoma City, OK 73147. *Bricks, blocks, slabs, tile or related articles,* from the plant site of Oklahoma Brick Corporation near Union City, OK to all points in the states of AR, IL; points in KS, on and east of U.S. Highway Interstate 35 and KS Turnpike from OK state line to Topeka, KS, thence U.S. Highway 75 to NE state line, including Topeka and Wichita, KS; all points in the state of MO; points in NE, on and east of U.S. Highway 75 from KS state line to IA state line including Omaha, NE; all points in state of TN; and points in TX on and east of U.S. Highway 281 from OK state line to San Antonio, thence points on and north of U.S. Interstate Highway 10 to LA state line, including Houston and San Antonio, TX. Supporting shipper: Oklahoma Brick Corporation, 4300 NW., 10th Street, Oklahoma City, OK 73107.

MC 133655 (Sub-5–9TA), filed June 26, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Table sauce* from the facilities of Lea & Perrin, Inc. at or near Fair Lawn, NJ to points in FL, AL, MO, IL, KY, OH, WI, and OK. Supporting shipper: Lea & Perrin, Inc., 15–01 Pollitt Drive, Fair Lawn, NJ 07410.

MC 134286 (Sub-5–13TA), filed June 26, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Kenneth L. Ackerman (same address as above). *General Commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between the facilities of Franklin Chemical Industries, Inc. and the subsidiaries of Franklin Chemical Industries, Inc. on the one hand, and, on the other, points in the US (except AK and HI) and except from the facilities of Franklin Chemical Industries, Inc. at or near Columbus, OH, to Springfield, MA; No. Bergen, NJ; Atlanta, GA; Memphis, TN; Ft. Smith, AR; Denver, CO; Salt Lake City, UT; Anaheim and Hayward, CA; Portland, OR; Seattle, WA; Kansas City, KS; and St. Louis, MO, and all points in their commercial zones; and (2) *Limestone (except in bulk)* from Hunt Valley, MD, to the facilities of Franklin Chemical Industries, Inc. at or near Columbus, OH. Restricted to traffic originating at or destined to named facilities. Supporting shipper: Franklin Chemical Industries, Inc. & Subsidiaries, Columbus, OH 43207.

MC 134405 (Sub-5–4TA), filed June 25, 1980. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Asphalt,* from Okmulgee, OK to Irving, TX. Supporting shipper(s): Trumble Asphalt, a Division of Owens-Corning Fiberglas, 3400 N.E. 4th, Oklahoma City, OK 73117.

MC 135797 (Sub-5–52TA), filed June 25, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *(1) Furniture, and (2) materials, equipment and supplies* used in the manufacture of the commodity named in (1) above, between Springdale, AR on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: P F I, Inc., P.O. Box 542, Springdale, AR 72764.

MC 135797 (Sub-5–53TA), filed June 26, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *(1) Glassware and glass bottles and jars and (2) materials, equipment and supplies utilized in the manufacture and distribution of the commodities named in (1) above,* between the facilities of Libbey Glass at Toledo, OH; Shreveport, LA; City of Industry and Mira Loma, CA and points in the United States (except AK and HI). Supporting shipper: Libbey Glass, P.O. Box 919, Toledo, OH 43693.

MC 135797 (Sub-5–54TA), filed June 26, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Paper and paper products,* between Benton County, AR and points in the United States (except AK and HI). Supporting shipper: Midwest Converting, Rt. 1, Box 347A, Lowell, AR 72745.

MC 144616 (Sub-5–3TA), filed June 26, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Canned and preserved foodstuffs,* from the facilities of Heinz USA at or near Grand Prairie, TX to points in LA, AR, OK and NM, restricted to traffic originating at the named origins and destined to the named states. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 144667 (Sub-5–2TA), filed June 26, 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. *Parts, attachments and accessories for mining and construction equipment,* from Vermilion County, IL, to points in Fremont and Natrona Counties, WY. Supporting shipper: Construction Service & Supply, Inc., P.O. Box 3779, Casper, WY 82602.

MC 145955 (Sub-5–6TA), filed June 25, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products (except commodities in bulk),* from the facilities of Land O'Frost, Inc. at Chicago, IL and its Commercial Zone to points in IA, KS, MO, and NE. Supporting shipper: Land O'Frost, Inc., 16850 Chicago Avenue, Lansing, IL 60438.

MC 147969 (Sub-5–2TA), filed June 25, 1980. Applicant: JOE S. BOWEN, INC., Highway 264 East, P.O. Box 262, Sprindale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Fresh and frozen meats and meat by-products,* from all points and places in SD, NE, IA, MN, OH, WI, KS, MO, KY, CA, IL, and TX, to all points and places in TX, IL, IA, and CA. Supporting shipper: Agri-Energy Enterprises, Inc., 8918 Tesoro Dr., Suite 320, San Antonio, TX 78217.

MC 150231 (Sub-5–6TA), filed June 26, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawerence R. Leahy, 1803 East Broad St., Texarkana, AR 75502. *Lumber and lumber mill products* between points in the following states: AR, AL, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX and WI. Restricted to shipments moving on bills of lading for the account of Schaberg Lumber Co., Lansing, MI. Supporting shipper: Schaberg Lumber Co., 1830 N. Grand River Ave., Lansing, MI 48901.

MC 151001 (Sub-5–1TA), filed June 26, 1980. Applicant: RED ARROW CORPORATION, Box 10035, Lambert Field, St. Louis, MO 63145. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. General commodities (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment). Restricted to the transportation of traffic having a prior or subsequent movement by air, between Lambert Field, located at or near St. Louis, MO, and O'Hare International Airport located at or near Chicago, IL, on the one hand, and, on the other, Greene and Jackson Counties, MO, points in that part of MO, on and east of a line beginning at the IA border, and extending along the western boundaries of Schuyler, Adair, Macon, Chariton, Saline, Cooper, Morgan, Miller, Pulaski, TX, Shannon, Carter, and Ripley Counties, MO to the AK border; and that part of IL on and south of a line extending from the Mississippi River along the northern boundaries of Adams, Schuyler, Mason, Logan, Dewitt, Platt, Champaign, and Vermillion Counties, IL, to the IN border. Supporting shipper: 4.

MC 151001 (Sub-5–2TA), filed June 26, 1980. Applicant: RED ARROW CORPORATION, Box 10035, Lambert Field, St. Louis, MO 63145. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. *General commodities (except articles 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 Vigo County, IN, McCracken County, KY, Cook County, IL, that part of IL on and south of a line extending from the Mississippi River along the northern boundaries of Pike, Morgan, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, IL, to the IN border; Jackson and Greene Counties, MO; and that part of MO on and east of line extending from the IA border south along the western boundaries of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Morgan, Camden, Pulaski, TX, and Howell Counties, MO to the AR border. Restricted to the transportation of shipments limited to individual articles not exceeding 100 lbs. in weight, moving in shipments not exceeding 500 lbs. in weight from one consignor to one consignee in a single day. Supporting shipper: 5.

MC 151053 (Sub-5–1TA), filed June 25, 1980. Applicant: SOUTHWEST FREIGHT, INC., 9005 Spikewood Drive, Houston, TX 77078. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *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 moving on bills of lading of Charter Oak Shippers Coorperative Association, Inc.,* between Dallas and Houston, TX, on the one hand, and, on the other, points in TX, OK, LA, and AR. Supporting shipper: The Charter Oak Shippers Cooperative Association, Inc., One Parkland Drive, P.O. Box 1147, Darien, CT 06820.

MC 151153 (Sub-5–1TA), filed June 26, 1980. Applicant: JERE ALES, d.b.a. ALES ENTERPRISES, R.R. No. 3, Muscatine, IA 52761. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Concrete pipe,* from the facilities of Interpace Corporation at or near S. Beloit, Illinois, to points in IA, IN, MN, MO, NE, OH, SD, and WI. Supporting shipper: Interpace Corporation, P.O. Box A, Wharton, NJ 07885.

MC 151154 (Sub-5–1TA), filed June 26, 1980. Applicant: LENERTZ, INC. OF IOWA, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Medical supplies and commodities used in the manufacturing and distribution of medical supplies.* Between points in Hennepin and Ramsey Counties, MN and points in the United States in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Renal Systems, Inc., Minneapolis, MN.

MC 151158 (Sub-5–1TA), filed June 26, 1980. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Commodities dealt in by wholesale grocery business houses* between points in AR, LA and TN. Supporting shipper: Value Stamp Co., a subsidiary of Affiliated Food Stores, P.O. Box 3627, Little Rock, AR 72203.

MC 109397 (Sub-5–10TA), filed July 3, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). (1) *Material handling equipment;* (2) *traveling cranes;* (3) *parts, attachments, equipment and materials* used in the construction and installation of items in (1) and (2) above; (4) *iron and steel and iron and steel articles;* (5) *commodities*

used in the manufacture of items in (1), (2), (3), and (4) above; between the facilities of Paceco, Inc., located in Gulfport, MS, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Paceco, Inc., P.O. Box 6688, Gulfport, MS 39501.

MC 109397 (Sub-5–11TA), filed July 3, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). (1) *Scales;* (2) *parts, attachments and accessories for scales;* and (3) *iron and steel articles,* between points in Lauderdale County, MS, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Fairbanks Weighing Division, Colt Industries, 69th Avenue, Industrial Park, Meridian, MS 39301.

MC 114273 (Sub-5–19TA), filed July 3, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same address as above). *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight)* between points in AL, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Restricted to the transportation of traffic moving to, from or between the facilities of or utilized by Minnesota Mining and Manufacturing Company (3M Company) or its wholly owned subsidiaries. Supporting shipper: 3M Company, 3–M Center 224 1E, St. Paul, MN.

MC 114273 (Sub-5–20TA), filed July 3, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same address as above). *(1) Paper and paper articles; and (2) commodities used in the manufacture and distribution of commodities in (1) above, (except commodities in bulk, in tank vehicles),* between South Glens Falls and Carthage, NY, on the one hand, and, on the other, points in IL, IN, IA, KY, MD, MI, MN, MO, NC, OH, PA, VA, WV, and WI, including points in the commercial zones of the above-mentioned cities. Supporting shipper: Crown Zellerbach Corporation, One River Street, S. Glens Falls, NY.

MC 114273 (Sub-5–21TA), filed July 3, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same address as above). *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities in bulk, in tank vehicles),* between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of or utilized by ITOFCA, Inc. Supporting shipper(s): ITOFCA, Inc., 2 Walker Avenue, Clarendon Hills, IL.

MC 114273 (Sub-5–22TA), filed July 3, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same address as above). *Batteries and material, equipment and supplies used in the manufacturing and distribution of batteries,* between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper(s): Exide Industrial Battery Div., ESB Inc., 101 Gibralter Road, Horsham, PA 19044.

MC 119493 (Sub-5–25TA), filed July 3, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *General commodities except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading* Between: Evansville, IN & Springfield, MO on the one hand and points in NJ on the other hand. Representative Destinations: South Plainfield, Newark, Edison, Trenton, Patterson, and Camden, NJ. Supporting shipper: John R. Johnston, Manager, Traffic, Mead Johnson & Company, 2404 Pennsylvania, Evansville, IN 47721.

MC 124174 (Sub-5–14TA), filed July 3, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *General commodities in intermodal containers having prior movement by air, rail, or water,* between Kansas City, MO and Kansas City, KS on the one hand, and on the other Council Bluffs, Des Moines, Newton, Iowa City, Cedar Rapids, IA and Omaha, Hastings, Broken Bow, Holdrege, and Cambridge, NE. Supporting shipper(s): Lykes Bros. Steamship Co., Inc., 300 Pydras Street, New Orleans, LA 70130.

MC 124174 (Sub-5–15TA), filed July 3, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Adhesives and gelatine products, and materials, equipment, and supplies used in the manufacture, distribution, and marketing thereof (except in bulk in tank vehicles),* Between Camden, NJ; Gowanda, NY; Oak Creek, WI; Pineville, NC; Indianapolis, IN; Detroit, MI; Bayonne, NJ; Dallas & Houston, TX; Los Angeles, CA; Warsaw, IN; and points in MA, NJ, and PA. Restricted to traffic moving to or from the facilities of Peter Cooper Corporation of Gowanda, NY. Supporting shipper: Peter Cooper Corp., Gowanda, NY 14070.

MC 124813 (Sub-5–12TA), filed July 3, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: James M. Hodge, 1980 Financal Center, Des Moines, IA 50309. *Railroad ties,* from Bangor, WI to points in IA and to East Clinton, IL. Supporting shipper(s): D. A. Wilson Company, 2017 East Lincolnway, Ames, IA 50010.

MC 134467 (Sub-5–9TA), filed July 3, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capital Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839–5856. (1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C 209 and 766 (except hides and commodities in bulk)* (2) *Foodstuffs (except in bulk),* from the facilities of new Orleans Cold Storage, Inc., at or near New Orleans, East New Orleans, and Metairie, LA, to points in the United States in and east of NM, CO, WY, SD and ND. Supporting shipper: New Orleans Cold Storage, Inc., P.O. Box 15749, New Orleans, LA 70175.

MC 135936 (Sub-5–2TA), filed July 3, 1980. Applicant: C & K TRANSPORT, INC., P.O. Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Tama Meat Packing Company at Tama, IA, to points in CT, DE, DC, KS, ME, MD, MA, MI, NE, NH, NJ, NY, OH, PA, RI, VT, VA, and WV. Supporting shipper: Tama Meat Packing Company, Box 209, Tama, IA 52339.

MC 136786 (Sub-5–25TA), filed July 3, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600

Hubbell Building, Des Moines, IA 50309. *Pet food (except commodities in bulk),* from Zanesville, OH, to points in AL, MD, MA, MI, IL, IN, TX, FL, GA, VA, KY, KS, WI, and MO. Supporting shipper: Benco Pet Foods, Inc., P.O. Box 270, 18 S. First Street, Zanesville, OH 43701.

MC 138328 (Sub-5–8TA), filed July 3, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). *General commodities (except those of unusual value, classes A and B explosives, foodstuffs, household goods, commodities in bulk, and those requiring special equipment),* between the facilities of Herschel Corporation at Indianola, IA; Minneapolis, MN; Dallas, TX; Indianapolis, IN; and Harrisburg, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originated at or destined to the facilities of Herschel Corporation. Supporting shipper: Herschel Corporation, 1301 N. 14th St., Indianola, IA 50125.

MC 145384 (Sub-5–8TA), filed July 3, 1980. Applicant: ROSE–WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles,* from the facilities of La Salle Steel Company at Hammond and Griffity, IN to points in OR and WA. Supporting shipper(s): La Salle Steel Company, 1412 150th Street, Hammond, IN 46320.

MC 145715 (Sub-5–6TA), filed July 3, 1980. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Rd., Van Buren, AR 72965. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. *Such commodities as are dealt in or distributed by manufacturers of foodstuffs (except commodities in bulk),* from the facilities of Specialty Brands, Inc., located at Thornton, IL, to points in IA, NE, ND, SD, MN, MO, and KS, restricted to the transportation of traffic originating at the above-named origins. Supporting shipper: Specialty Brands, Inc., 201 W. Armory Dr., Thornton, IL, 60476.

MC 150086 (Sub-5–5TA), July 3, 1980. Applicant: WADE TRUCK LINES, INC., P.O. Box 156, Verona, MO 65769. Representative: Danny M. Wilburn (same address as applicant). *Paper, printed paper, paper articles, and articles related to school and office supplies, articles used in the manufacturing of and distribution of the above named commodities.* Between Springfield, MO and its commercial zone, on the one hand, and points in the United States (except AK and HI). Supporting shipper: Springfield Tablet Mfg. Co., P.O. Box 1425 S. S. S., Springfield, MO, 65805.

MC 151203 (Sub-5–1TA), July 3, 1980. Applicant: AZTEC TRUCKING, INC., 102 N. Sentry Drive, Mansfield, Texas 76063. Representative: E. Larry Wells, P.O. Box 45538, Dallas, Texas 75245. (1) *Truck trailers* from the facilities of Aztec Products, Inc. at or near Mansfield, TX to NM, OK, AR, LA, AL, and CA; and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* in the reverse direction, restricted in (1) and (2) to the traffic originating at or destined to the named facilities. Supporting shippers(s): Aztec Products, Inc., 102 N. Sentry Drive, Mansfield, TX 76063.

MC 3062 (Sub-5–5TA), filed June 23, 1980. Applicant: INMAN FREIGHT SYSTEM, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Representative: G. H. Boles (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 Wayne City, IL as an off-route point in connection with its authorized routes to and from Evansville, IN. Applicant intends to tack with its existing authority and to interline at Evansville, IN., St. Louis, MO., Decatur, IL. and Memphis, TN. Supporting shippers: Kissner and Weaver Farm Equipment, H.B. Williamson Company.

MC 123476 (Sub-5–2TA), filed June 19, 1980. Applicant: CURTIS TRANSPORT, INC., #23 Grandview IND. CT., Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Plastic containers and plastic container closurers,* (except in bulk in tank vehicles) from Itasca, IL to St. Louis, MO. Supporting shipper: St. Louis Crystal Water Co., 704 S. Boyle, St. Louis, MO 63110.

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 52793 (Sub-6–7TA), filed June 26, 1980. Applicant: BEKINS VAN LINES CO.—NEW PRODUCTS DIVISION, 3090 Via Mondo, Compton, CA 90221. Representative: Patricia M. Schnegg, KNAPP, GROSSMAN & MARSH, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. *New furniture and furnishings,* from Henderson, TX to Phoenix and Tucson, AZ, Albuquerque, NM and Los Angeles, CA, for 180 days. Supporting shipper: Anderson-Hickey Co., P.O. Box 80, Henderson, TX 95652.

MC 146840 (Sub-6–2TA), filed June 27, 1980. Applicant: BOYCHUKS' TRANSPORT LTD., P.O. Box 6298, Station "C" Edmonton, Alberta T5B 4K6. Representative: Ray F. Koby, P.O Box 2567, Great Falls, MT 59403. *Fiberboard,* from points in Flathead County, MT to ports of entry on the international boundary line between the United States and Canada, for 180 days. Supporting shipper: Plum Creek Lumber Company, Columbia Falls, MT 59912.

MC 135215 (Sub-6–5TA), filed June 30, 1980. Applicant: BULK TRANSPORTATION 415 Lemon Avenue, (P.O. Box 390), Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). *Feldspar,* truckload and in bulk, from Buckeye, AZ to points in Los Angeles and Orange Counties, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Harrisons and Crosfield (Pac.) Inc., 4000 Birch Street, Suite 201, Newport Beach, CA 92660.

MC 129219 (Sub-6–1TA), filed June 27, 1980. Applicant: CMD TRANSPORTATION, INC., 12340 SE Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 NE Weidler, Portland, OR 97232. *Contract carrier,* Irregular routes: (1) *General commodities* (except, classes A and B explosives, and household goods as defined by the Commission), Between the facilities of SCM Corporation at or near Jackson, AL; Brisbane, Buena Park, City of Commerce, San Francisco and San Jose, CA; Jacksonville and Port Saint Joe, FL; Atlanta, Colonel's Island, Flowery Branch and Oakwood, GA; Chicago and Joilet, IL; Hammond and Marion, IN; Louisville, KY; Baltimore, MD; Salem, MA; Kalamazoo, MI; Minneapolis, MN; Maplewood, North Bergen and Thorofare, NJ; Brooklyn, Cortland, Rockville Centre, Syracuse and Wolcott, NY; Charlotte, Durham, Mount Airy and Southern Pines, NC; Ashtabula, Cleveland, Columbus, Huron Leipsic, Sharonville and Wickliffe, OH; Portland, OR; Altoona, Johnstown, Parkesburg, Phoenixville, Reading, and Shiremanstown, PA; Carrollton, Denison and El Paso, TX; and Petersburg, WV, on the one hand, and on the other, points in the United States (except Alaska and Hawaii); (2) *General Commodities* (except, classes A and B explosives and household goods as defined by the Commission), moving in steamship containers with or without own chassis having prior or subsequent movement by water between points in

the United States (except Alaska and Hawaii); (3) *Empty steamship containers* with or without own chassis having prior or subsequent movement by water between points in the United States (except Alaska and Hawaii); and (4) *General commodities* (except classes A and B explosives and household goods as defined by the Commission), having a prior or subsequent movement by rail between points in the United States (except Alaska and Hawaii); for the account of SCM Corporation, for 180 days. Supporting shipper: SCM Corporation, 900 Union Commerce Building, Cleveland, OH 44114.

MC 151165 (Sub-6–1TA), filed June 27, 1980. Applicant: CATHAY, INC., 7680 South State St., Midvale, UT 84047. Representative: Chester A. Zyblut, 1030 15th St., N.W., Suite 366, Wash., D.C. 20005. *Ice cream*, from Woodbridge, NJ, to points in and west of TX, OK, KS, WY and UT for 180 days. An underlying ETRA seeks 90 days authority. Supporting shipper: Woodbridge Sweets Corp., Woodbridge, NJ 07095.

MC 151059 (Sub-6–1TA), filed June 27, 1980. Applicant: COWBOY OIL COMPANY, Box 47, Woods Cross, UT 84087. Representative: James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract* carrier, irregular routes, *crude oil, scrubber oil and condensate* from points in Sweetwater, County, WY to the Woods Cross Refinery of Morrison Petroleum Co. at Woods Cross, UT, for 180 days. ETA seeks 90 days authority. Supporting shipper: Morrison Petroleum Co., 1710 W. 2600 S., Woods Cross, UT 84087.

MC 136208 (Sub-6–6TA), filed June 23, 1980. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, Ca. 96097. Representative: Donald L. Smith (same as applicant). *Agricultural Chemicals*, including: *Fertilizers, Fungicides, Insecticides, Herbacides*, and *Applicators*, also, *Repellants, Acetone, and Phtalic Anhydride*, except in bulk, from City of Industry, Los Angeles, SantaFe Springs, Richmond, and San Leandro, CA, to Portland and Milwaukee, OR and Walla Walla and Yakima, WA and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Chevron Chemical Company, 575 Market St., San Francisco, CA 94105.

MC 136208 (Sub-6–8TA), filed June 26, 1980. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA. 96097. Representative: Donald L. Smith (same address as applicant). *Roofing and roofing materials*, from Bakersfield, CA to points in AZ, ID, OR, UT, and WA, and (2) *insulation boards*, from Salt Lake City, UT to points in AZ, CA, OR, and WA, for the account of Consolidated Fiber Glass Products Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Consolidated Fiber Glass Products Co., Inc. 3801 Standard St., Bakersfield, CA 93308.

MC 148966 (Sub-6–2TA), filed June 23, 1980. Applicant: DROTZMANN, INC., P.O. Box 10176, Yakima, WA 98909. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *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) From the facilities of terminal Freight Cooperative Association at Boston, MA; North Bergen, NJ; Philadelphia, PA; and Cleveland, OH to Seattle, WA; Portland, OR; Los Angeles, CA; and Pocatello, ID; and (2) From the facilities of terminal Freight Cooperative Association at Los Angeles, CA to Seattle, WA; Portland, OR; Pocatello, ID; and Murray, UT for 180 days. An ETA seeks 90 days. Restriction: Restricted to traffic which is at the time moving on bills of lading of a non-profit shipper association (operating pursuant to 10562(3) of the Interstate Commerce Act (formerly 402(c)). Supporting shipper(s): Terminal Freight Cooperative Association, 1430 Branding Lane, Downers Grove, IL 60515.

MC 124679 (Sub-6–19TA), filed June 30, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as application). *Liquid fruit juice concentrate in cans* from the facilities of Orangewhip Corporation at Van Nuys, CA to Salt Lake City, UT and Idaho Falls, ID for 180 days. Supporting shipper: Orangewhip of Idaho, P.O. Box 2204, Idaho Falls, ID 83401.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and sub numbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 90 days authority.

MC 1515 (Sub-6–3TA), filed June 27, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). *Common carrier*, regular routes, *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Denver, CO and Cedar City, UT serving all intermediate points: From Denver, CO over U.S. Hwy 6 to Junction Interstate Hwy 70 west of Lakewood, CO, then over Interstate Hwy 70 to junction U.S. Hwy 6 at Frisco, CO, then over U.S. Hwy 6 to Wheeler Jct., Co, then over Interstate Hwy 70 (portions of which are also designated U.S. Hwy 6) to junction unnumbered hwy north of Eagle, CO, then over unnumbered hwy to Eagle, CO, then over U.S. Hwy 6 (also designated Interstate Hwy 70) to junction Interstate Hwy 70 east of Glenwood Springs, CO, then over Interstate Hwy 70 to junction U.S. Hwy 6 west of Rifle, CO, then over U.S. Hwy 6 (also designated Interstate Hwy 70) to junction Interstate Hwy 70 and CO Hwy 65, then over Interstate Hwy 70 to junction U.S. Hwy 6 west of Cresent Junction, UT, then over U.S. Hwy 6 (also designated Interstate Hwy 70) to junction Interstate Hwy 70 west of Green River, UT, then over Interstate Hwy 70 to junction UT Hwy 4 south of Salina, UT, then over UT Hwy 4 to Salina, UT, then over U.S. Hwy 89 to Sevier, UT, then over UT Hwy 4 (also designated Interstate Hwy 70) to junction Interstate Hwy 70 east of Cove Fort, UT, then over Interstate Hwy 70 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction UT Hwy 130 north of Cedar City, UT, then over UT Hwy 130 to Cedar City, UT and return over the same route. (2) Between Junction U.S. Hwy 6 and Interstate Hwy 70 east of Idaho Springs, CO, and Idaho Springs, CO serving all intermediate points: From junction U.S. Hwy 6 and Interstate Hwy 70 over U.S. Hwy 6 to Idaho Springs, CO and return over the same route. (3) Between junction BR Interstate Hwy 70 and Interstate Hwy 70 south of Rifle, CO, and juniction BR Interstate Hwy 70 and Interstate Hwy 70 west of Rifle, CO, serving all intermediate points: From junction BR Interstate Hwy 70 and Interstate Hwy 70 over BR Interstate Hwy 70 via Rifle, CO to junction Interstate Hwy 70 and return over the same route. (4) Between junction unnumbered hwy and Interstate Hwy 70 north of Grand Junction, CO, and junction U.S. Hwy 6 and Interstate Hwy 70 west of Grand Junction, CO, serving all intermediate points; From junction unnumbered hwy and Interstate Hwy 70 over unnumbered hwy to Grand Junction, CO, then over U.S. Hwy 6 to junction Interstate Hwy 70 and return over the same route. (5) Between junction unnumbered hwy and Interstate Hwy 70 south of Fruita, CO and Fruita, CO serving all intermediate points: From junction unnumbered hwy and Interstate Hwy 70 over unnumbered hwy to Fruita CO, and return over the same route. (6) Between junction UT 130 and Interstate Hwy 70 north of Cedar City, UT, and Cedar City, UT serving all intermediate points: From Junction UT Hwy 130 and Interstate Hwy 70 over Interstate Hwy

70 to junction UT Hwy 56, then over UT Hwy 56 to Cedar City, UT and return over the same route, for 180 days: An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC 1515. Supporting shipper: There are 63 shippers. Their statements may be examined at the Regional office listed.

MC 1515 (Sub-6–4TA), filed June 30, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). *Common carrier,* regular routes: *passengers and their baggage and express and newspapers, in the same vehicle with passengers,* (1) between the junction of CA Hwy. 22 and Inter. Hwy. 405 at or near Westminster, CA and the junction of Inter. Hwy. 405 and Inter. Hwy. 5 south of Irvine, CA, serving all intermediate points: from the junction of CA Hwy. 22 and Inter. Hwy. 405 at or near Westminster, CA over Inter. Hwy. 405 to its junction with Inter. Hwy. 5 south of Irvine, CA, and return over the same route; (2) between the junction of Inter. Hwy. 405 and unnumbered hwy. (Magnolia Avenue) and Santa Ana, serving all intermediate points: from the junction of Inter. Hwy. 405 and unnumbered hwy. (Magnolia Avenue) over unnumber hwy. via Westminster, CA to Santa Ana, CA, and return over the same route for 180 days. A underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC 1515. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional Office listed.

MC 119634 (Sub-6–4TA), filed June 30, 1980. Applicant: DICK IRVIN, INC., Hwy. 2 West, POB F, Shelby, MT 59474. Representative: Mark A. Cole (same address as applicant). *Liquefied Petroleum Gases* from ports of entry on the international boundary line between the U.S. and Canada to points in MT, ID, and ND, for 180 days. ETA filed seeking 90 days authority. Supporting shipper: Farmers Union Central Exchange d.b.a. CENEX, P.O. Box 43089, St. Paul, MN 55164.

MC 119634 (Sub-6–5TA), filed June 30, 1980. Applicant: DICK IRVIN, INC., Hwy. 2 West, POB F, Shelby, MT 59474. Representative: Mark A. Cole (same address as applicant). *Railroad Ties* from points in MT to points in ID, WA, OR, CA, and UT, for 180 days. Supporting shipper: Kenitra, Inc., 506 S.W. 6th, Portland, OR.

MC 151160 (Sub-6–1TA), filed June 26, 1980. Applicant: J.C. INCORPORATED, LIQUID WASTE DISPOSAL, 2221 Loma St., So. El Monte, CA 91733. Representative: Robert Oeinck (same address as applicant). *Hazardous waste materials,* in bulk, in tank vehicles from Henderson, NV and its commercial zone to West Covina and Calabases in Los Angeles County, CA; Kettleman Hills in King County, CA; and Casmalia in Santa Barbara County, CA for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Stauffer Chemical Co., Box 3050, San Francisco, CA 94119.

MC 118516 (Sub-6–1TA), filed June 30, 1980. Applicant: MAMMOTH OF ALASKA, INC., 1048 Whitney Road, Anchorage, AK 99501. Representative: Arthur R. Hauver, Esq., 810 West Second Avenue, Anchorage, AK 99501. *General Commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Fairbanks, AK, on the one hand, and, on the other, points in AK (except those in the Alaska Panhandle), for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): There are 23 shippers. Their statements may be examined at the Regional Office listed.

Note.—Applicant intends to interline at Fairbanks, AK.

MC 151175 (Sub-6–1TA), filed June 30, 1980. Applicant: MARAUDER MARINE CORPORATION, 10761 Burbank Boulevard, Suite B, North Hollywood, CA 91601. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. *Boats, and equipment and accessories for boats,* between points in Orange County, CA, on the one hand, and, on the other, points in OR, WA, MN, WI, IL, IN, MI, OH, NY, RI, PA, ME, VT, NH, MA, CT, FL, NJ, DE, VA, NC, SC, GA, AL, MS, LA, TX and MD, for 180 days. Supporting shipper: D. B. Jones, Jomarco, 322 East Dyer, Santa Ana, CA 92707.

MC 145782 (Sub-6–1TA), filed June 30, 1980. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *New furniture, furnishings,* and *appliances,* from the facilities of Levitz Furniture Corporation of the Pacific at or near Milwaukee, or to points in Cowlitz, Clark and Skamania Counties, WA, for 180 days. Applicant filed underlying ETA seeking 90 days authority. Supporting shipper: Levitz Furniture Corporation, 1317 N.W. 167th Street, Miami, FL 33169.

MC 142686 (Sub-6–11TA), filed June 26, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). *Contract Carrier,* Irregular routes: *(1) Such commodities as are dealt in or used by manufacturers of pollution control equipment (except commodities in bulk, in tank vehicles), (2) such commodities as are dealt in or used by manufacturers of energy producing, reclamation and mining equipment (except commodities in bulk, in tank vehicles), and (3) such commodities as are dealt in or used by manufacturers of self-propelled vehicles and self-propelled machinery (except commodities in bulk, in tank vehicles),* between points in the U.S. (including AK, but excluding HI), for 180 days. Supporting shipper: Envirotech Corporation, 3000 Sand Hill Road, Menlo Park, CA 94025.

MC 142686 (Sub-6–12TA), filed June 26, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). *Contract Carrier,* Irregular Routes: *Industrial Water Heaters and Storage Tanks,* between Ft. Worth, TX and the U.S. including HI, excluding AK for 180 days. Supporting shipper: Pressure Vessells, Inc., 3209 Galvez, Ft. Worth, TX 76111.

MC 34227 (Sub-6–1TA), filed June 30, 1980. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, 15910 East Colfax, Aurora, CO 80011. Representative: James P. Beck, 717th Street, Suite 2600, Denver, CO 80202. *Contract carrier,* Irregular routes: *Such commodities as are dealt in or used by manufacturers and distributors of chemicals* (except in bulk), between the facilities of Oxford Chemicals, Inc. at or near Chamblee, GA on the one hand, and, on the other, Denver, CO and Reno, NV (and their respective commercial zones), and points in CA under continuing contract(s) with Oxford Chemicals, Inc. of Atlanta, GA, for 180 days. Supporting shipper: Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366.

MC 105016 (Sub-6–3TA), filed June 27, 1980. Applicant: PELLISSIER TRUCKING, INC., 1002 Hostetler, P.O. Box 192, The Dalles, OR 97058. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. *Aluminum billets, ingots, pigs and slabs* in cargo containers having a prior or subsequent movement by water, and empty containers on return, from the facilities of Martin-Marietta Aluminum, Inc. located at The Dalles, OR and Cliffs, WA, to port of Portland, OR and Seattle, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: J. T. Steeb & Co., Pacific Bldg., Portland, OR 97204 and

Martin-Marietta Aluminum, Inc., 6801 Rock Ledge Dr., Bethesda, MD 20034.

MC 151155 (Sub-6–1TA), filed June 26, 1980. Applicant: PHILLIPS TRUCKING COMPANY, 100 Edison Ave., Alamosa, CO 81101. Representative: Nancy P. Bigbee, 1660 Linoln St., Suite 1600, Denver, CO 80264. (1) *Animal and poultry feed;* (2) *Feed ingredients;* (3) *Such merchandise as is dealt in by food and agricultural feed business houses;* and (4) *Materials, equipment, ingredients and supplies used in the development, manufacture, distribution and sale of the items in (3) above;* between points in AZ, CO, NM, and TX for 180 days. *Restrictions:* (1) Restricted against transportation of liquid commodities in bulk in tank vehicles; (2) Restricted against transportation of traffic between Fort Lupton, CO and points in TX; (3) Parts (3) and (4) are restricted to transportation of shipments originating at or destined to facilities utilized by the Ralston Purina Company. An underlying ETA seeks 90 days authority. Supporting shipper: there are 9 shippers. Their statements may be examined at the Regional office listed.

MC 52709 (Sub-6–13TA), filed June 27, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Office equipment, supplies and materials,* from Mayville, WI to Omaha, NE and Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Sahler Business Forms Co., 4887 F Street, P.O. Box 6308, Omaha, NE 68706; Tab Products of Colorado, Inc., d.b.a. Rocky Mountain Records Managers, 3940 Holly St., Denver, CO 80207.

MC 151159 (Sub-6–1TA), filed June 26, 1980. Applicant: EDWARD HAROLD RYAN, an individual, d.b.a. Ed Ryan Enterprises, 6431 Hummingbird Lane, Las Vegas, NV 89103. Representative: Mike Soumbeniotis, P.O. Box 646, Carson City, NV 89701. (1) *Building materials and supplies used or useful in construction of flooring and decking,* between the facilities of Peter Bratti and Associates of Nevada, Inc. and Valley Marble & Terrazzo and their suppliers within the State of CA, on the one hand, and on the other hand, the facilities of Peter Bratti and Associates of Nevada, Inc. and Valley Marble & Terrazzo and their suppliers and/or customers located in Clark County, NV; and (2) *Ferrous scrap metal and smashed auto bodies,* from facilities of Nevada recycling Corp. located in Clark County, NV to points in Los Angeles and Riverside Counties, CA, for 180 days. Supporting shippers: Peter Bratti and Associates of Nevada, Inc., 4127 W. Desert Inn Road, Las Vegas, NV 89102; Valley Marble & Terrazzo, P.O. Box 14990, Las Vegas, NV 89114; and Nevada Recycling Corp., 5850 N. Nellis, Las Vegas, NV 89114.

MC 59856 (Sub-6–2TA), filed June 27, 1980. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601. Representative: John R. Davidson, Room 805, First Bank Building, Billings, MT 59101. *General commodities,* except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of their size or weight require the use of special equipment, (1) Between points in WY, (2) between points in WY on the one hand, and on the other, Denver, CO, Rapid City, SD, Billings, MT and Idaho Falls, ID., for 180 days. Restricted against the transportation of any commodities as described by the Commission in T. E. Mercer and C.E. Mercer Extension—Oil Field Commodities, 46 M.C.C. 845. Applicant requests tacking and interline privileges. There are 7 shippers. Their statements may be examined at the Regional office listed.

MC 124692 (Sub-6–18TA), filed June 30 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Moulding and millwork,* from the facilities of Semans Moulding Co., Inc., at or near Sacramento, CA to points in AR, LA, OK and TX, for 180 days. Supporting shipper: Semans Moulding Co., Inc., 7400 San Joaquin, P.O. Box 20213, Sacramento, CA 95820.

MC 150956 (Sub-6–3TA), filed June 27, 1980. Applicant: SOUTHWEST TRUCK SERVICE, a California corporation, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road Alexandria, VA 22312. *Paper and paper products NOI;* from the facilities of Rock-Tenn Company, Conway, AR to states of KS, MO, NE, and TX, for 180 days. Supporting shipper: Rock-Tenn Company, P.O. Box 547, Conway, AR 72032.

MC 150220 (Sub-6–2TA), filed June 26, 1980. Applicant: MICHAEL T. SPENCER, d.b.a., MIKE SPENCER TRUCKING, P.O. Box 996, Yuba City, CA 95991. Representative: Walter H. Walker, III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Lumber and lumber products* from points in OR to points in CA for 180 days. An underlying ETA seeks 90 days authority. There are 17 supporting shippers. Their statements may be examined at the Regional office listed.

MC 15401 (Sub-6–2TA), filed June 26, 1980. Applicant: STORER TRANSPORTATION SERVICE, INC., 3519 MacDonald Avenue, Modesto, CA 95351. Representative: Ronald C. Chauvel, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Passengers and their baggage,* in the same vehicle with passengers, in round trip, special and charter operations, beginning and ending at points in Merced County, CA and extending to points in Douglas, Washoe, Storey and Carson City Counties, NV, for 180 days. An underlying ETA seeks 30 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the office listed.

MC 150207 (Sub-6–1TA), filed June 27, 1980. Applicant: WILLIAM FRANK SUMSTINE, 241 Youngs Lane, Roseburg, OR 97470. Representative: Same as above. *Automobiles in driveway service* from points in the U.S. except AK and HI, to facilities of Ford Motor Dealers in OR and from points in OR to facilities of Ford Motor Dealers in the U.S., except AK and HI, for 180 days. Supporting shipper for Ford Motor Credit Company at 2350 Oakmont Way, Eugene, OR 97440.

MC 136818 (Sub-6–8TA), filed June 27, 1980. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Rd., Phoenix, AZ. Representative: Donald E. Fernaays, 4040 East McDowell Rd., Suite 320, Phoenix, AZ 85008. *Lumber and lumber products,* from Kamas, UT to points in AZ, CO, NV, CA, and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Blazzard Lumber Co., Inc., P.O. Box 65, Kamas, UT 84036.

MC 99581 (Sub-6–1TA), filed June 23, 1980. Applicant: VACA VALLEY BUS LINES, INC., 206 Peabody Rd., Fairfield, CA 94533. Representative: Mike Soumbeniotis, 402 North Division St., Carson City, NV 89701. *Passengers and their baggage in the same vehicle with passengers,* in special operations, in one-way and round trip sightseeing and pleasure tours, between points in Mendocino, Lake, Glenn, Colusa, Yolo, Yuba, Sutter, Tehama, Butte, Sacramento, San Joaquin, Alameda, Santa Clara, Santa Cruz, San Mateo, San Francisco, Marin, Sonoma, Napa, Solano and Contra Cota Counties, CA, on the one hand, and, on the other hand, points in the U.S., including AK but excluding HI and points in Washoe, Douglas, Storey and Carson City Counties, NV for 180 days. Supporting shippers: There are 32 supporting

shippers. Their statements may be examined at the Regional office listed.

MC 7523 (Sub-6–1TA), filed June 30, 1980. Applicant: VENTURA TRANSFER CO., 2418 E. 223rd St., Long Beach, CA 90810. Representative: Warren Goodman, (same address as applicant). *Sugar*, in bulk, in pneumatic equipment from Hamilton City, CA to Seattle, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Holly Sugar Corporation, P.O. Box 1052, Colorado Springs, CO 80901.

MC 141871 (Sub-6–3TA), filed June 30, 1980. Applicant: WNI, INC., 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. *Canned goods* (1) from Lindsay, CA to points in OR (except Portland), WA, and UT (except Salt Lake City); and (2) from Salem, OR to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lindsay Olive Growers, 650 Tulare Road, P.O. Box 278, Lindsay, Ca 93247.

MC 26396 (Sub-6–31TA), filed June 27, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Such commodities as are used in the manufacture and repair of rail cars and locomotives*, (1) Between points in AL, AR, FL, KY, PA and VA; and (2) Between Sanford, FL, on the one hand, and on the other, ports of entry on the International Boundary line between the U.S. and Canada located in NY, for 180 days. Supporting shipper: Railway Services Corporation, P.O. Box 2159, Sanford, FL 32771.

MC 135803 (Sub-6–12TA), filed June 27, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140, Planada, CA 95365. Representative: Donald M. Fennel (same as applicant). *Canned and preserved foodstuffs* from the facilities of Heinz USA at or near Tracy and Stockton, CA, to points in AZ, ID, MT, NV, OR, UT, WA, and WY, restricted to traffic originating at the named facilities and destined to the named states for 180 days. Supporting shipper: Heinz USA, P.O. Box 57, Pittsburgh, PA 15230.

MC 135803 (Sub-13TA), filed June 27, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140, (P.O. Box 67), Planada, CA 95365. Representative: Donald M. Fennel (same as applicant). *Such merchandise as is dealt in by wholesale, retail and chain grocery stores and business houses*, from the facilities of Colgate-Palmolive Co., at or near Berkeley, CA, to points in OR and WA for 180 days. Supporting shipper: Colgate-Palmolive Co., 2700–7th Street, Berkeley, CA 94710.

MC 135803 (Sub-14TA), filed June 30, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140, (P.O. Box 67), Planada, CA 95365. Representative: Donald M. Fennel (same as applicant). *Plastic and Rubber Articles, other than expanded*, from the facilities of EPCO II, Inc., at or near Reno, NV, to points in UT, ID, CA, OR, and WA, for 180 days. Supporting shipper: EPCO II, Inc., P.O. Box 6328, Reno, NV 89513.

MC 141804 (Sub-6–60TA), filed June 26, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *File folders and related materials and supplies*, from Mayville, WI to points in AZ, GA, KY, NC, SC and TN. Restricted to traffic originating at Tab Products, for 180 days. Supporting shipper: Robert A. Breen, Traffic Coordinator, Tab Products, 605–4th Street, Mayville, WI 53050.

MC 117786 (Sub-6–15TA), filed June 27, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Commodities sold, dealt in, or used by wholesale and retail grocery stores, hardware stores, department stores, automotive outlets and mercantile businesses*, from points in CA to the facilities of or those used by Smitty's Super Valu, Inc. located in the Phoenix, AZ commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Smitty's Super Valu, Inc., 2626 S. 7th St., Phoenix, AZ 85034.

MC 117786 (Sub-6–16TA), filed June 30, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Commodities dealt in or used by retail grocery stores*, from that part of CA in and south of the Counties of San Bernardino, Kern and San Luis Obispo to the facilities of Associated Grocers in Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Associated Grocers, P.O. Box 20511, Phoenix, AZ 85036.

MC 143775 (Sub-6–17TA), filed June 27, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *Such commodities as are dealt in by retail department stores, including garments on hangers*, from Secaucus, NJ to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Richard White, Fashion Bar, 695 South Broadway, Denver, CO 80209.

MC 143775 (Sub-6–18TA), filed June 27, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Arizona 85301. Representative: Michael R. Burke (same address as applicant). *Automotive and truck electrical equipment and automotive and truck accessories*, from Los Angeles, CA, and points in its commercial zone, to points in and east of TX, OK, KS, IA, and MN, for 180 days. Supporting shipper: Bernard C. Norris, Manager of Physical Distribution, Kraco Enterprises, Inc., 505 E. Euclid Avenue, Compton, CA 90224.

MC 92633 (Sub-6–2TA), filed June 30, 1980. Applicant: ZIRBEL TRANSPORT, INC., P.O. Box 933, Lewiston, ID 83501. Representative: William R. Seehafer (same address as applicant). *(1) Insulation, in bags*, from the facilities of Energy Recovery, Inc., at Lewiston, ID to points in WA, MT, and OR. *(2) Materials and supplies used in the manufacture of the commodity named in (1)*, from points in WA, MT, and OR to the facilities of Energy Recovery, Inc., at Lewiston, ID, for 180 days. Supporting shipper: Energy Recovery, Inc., 607 Snake River Ave., Lewiston, ID 83501.

MC 79737 (Sub-6–1TA), filed July 1, 1980. Applicant: BERTA BROS. TRANSPORTATION, INC., P.O. Box 429, Canon City, CO 81212. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. (1) *Calcined gypsum*, (2) *stucco, wall or land plaster*, (3) *plasterboard*, and (4) *joint systems and compounds for plasterboard, except commodities in bulk*, from points in Fremont County, CO to points in AZ, KS, NE, NM, SD, UT, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Flintkote Company, P.O. Box 429, Florence, CO 81226.

MC 134592 (Sub-6–1TA), filed June 27, 1980. Applicant: HERB & HAZEL MOORE d/b/a H & H TRUCKING CO., 10360 N. Vancouver Way, Portland, OR 97217. Representative: Herb Moore (same address as applicant). *Paper products* from the facilities of Scott Paper Co. at Auburn, Everett and Kent, WA and Portland, OR to Reno, Carson City, and Las Vegas, NV and points in CA, for 180 days. Supporting shipper: Scott Paper Co, Scott Plaza II, Philadelphia, PA 19133.

MC 117503 (Sub-6–1TA), filed July 1, 1980. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North "C" Street, Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *General commodities, except in bulk, Class A and B explosives, household goods as defined by the Commission, and shipments requiring special*

equipment between points in Douglas, Lyon, Storey and Washoe Counties, and Carson City, NV, and Butte, Colusa, El Dorado, Fresno, Glenn, Madera, Merced, Nevada, Placer, Sacramento, San Joaquin, Shasta, Solano, Stanislaus, Sutter, Tehama, Yolo and Yuba Counties, CA, for 180 days. An underlying ETA seeks 90 days authority. There are ten (10) supporting shippers. Their statements may be examined at the Regional office listed.

MC 109515 (Sub-6–1TA), filed June 30, 1980. Applicant: OZELLA HARRINGTON, P.O. Box 604, Benson, AZ 85602. Representative: Earl H. Carroll, 363 N. 1st Ave., Phoenix, AZ 85003. *Contract carrier,* irregular routes: *Nitric Acid,* in bulk, from Curtiss, AZ to EL Paso, TX for account of Apache Powder Company, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: Apache Powder Co., P.O. Box 700, Benson, AZ 85602.

MC 151182 (Sub-6–1TA), filed June 30, 1980. Applicant: BERTIS PACE, JR. and FRANCES M. PACE, a partnership dba K.C.G.M. TRANSPORT, Post Office Box 9636, Long Beach, CA 90810. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk) loaded in intermodal containers having a prior or subsequent move by water, between points in the Los Angeles, CA commercial zone; and between Los Angeles, CA and its commercial zone on the one hand and points in CA on the other hand, for 180 days. Supporting shippers: Sea-Land Service, Inc., 669 Panorama Drive, Long Beach, CA 90801; Hanjin Container Lines, Ltd., 110 West Ocean Blvd., Long Beach, CA 90802.

MC 150670 (Sub-6–3TA), filed June 30, 1980. Applicant: LEMMONS TRUCKING, INC., 2308 Talley Way, Kelso, WA 98626. Representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, OR 97201. *Wood Residuals,* in bulk, from Centralia, WA to Salem, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Northwest Hardwoods, Inc., 3000 Galvin Road, Centralia, WA 98531.

MC 151091 (Sub-6–1TA), filed July 1, 1980. Applicant: MAKS WOOD PRODUCTS CO., INC., P.O. Box 2940, Eugene, OR 97402. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204. *Limestone,* crushed or ground, in bags, from points in Lucerne Valley, CA and its commercial zone, to points in Portland, OR and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Phizer Corporation, P.O. Box 10205, Portland, OR 97210.

MC 123115 (Sub-6–1TA), filed June 30, 1980. Applicant: PACKER TRANSPORTATION CO., a Nevada corporation, 465 South Rock Blvd., Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. (1) *Building and construction materials and supplies, including but not limited to, heating and plumbing materials and supplies; roofing; wallboard; gypsum products; nails, hardware; tile; styrofoam; urethane; cement (except in bulk); cement blocks; windows; doors, iron and steel articles, fabricated and unfabricated; pipe and/or conduits and fittings, earthen and other than earthen; shingles; fencing; felt, in rolls; wire mesh and posts,* between points in CA, NV and OR; (2) *Scrap metals; crushed automobiles, recyclable ferrous and non-ferrous metallic scrap metals,* from points in NV to points in CA; (3) *Scaffolding, steel knocked down; and scaffolding materials, namely, ladders; beams, shoring; forms; hoists; trusses;* between points in CA and NV; (4) *Farm or agricultural supplies and materials (except machinery), including but not limited to, baling wire; fencing; salt; pesticides; herbicides; animal feed; batteries,* between points in CA, NV and OR; (5) *Aluminum ingots,* from points in CA to points in NV, for 180 days. Supporting shippers: There are 13 Supporting Shippers in this Application. Their Statements may be examined at the Regional office listed.

MC 113165 (Sub-6–1TA), filed June 30, 1980. Applicant: PENINSULA TRUCK LINES, INC., 6314 7th Ave. South, Seattle, WA 98108. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *General Commodities, except Commodities in Bulk,* between the Portland, OR commerical zone and points in Grays Harbor County, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 27 supporting shippers. Their statements may be examined at the Regional office listed.

MC 59856 (Sub-6–3TA), filed June 30, 1980. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601. Representative: John R. Davidson, Room 805, First Bank Building, Billings, MT 59101. *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 which because of their size or weight require the use of special equipment, between Salt Lake City, UT and Idaho Falls, ID, from Salt Lake City over combined Interstate Hwy 15 and U.S. Hwy 191 to Idaho Falls, and return over the same route, serving the intermediate points of Clearfield and Ogden, UT and Pocatello, ID, for 180 days. Tacking and interlining is requested by Applicant. There are 52 shippers. Their statements may be examined at the Regional office listed.

MC 141804 (Sub-6–56TA), filed June 24, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Computers and parts and accessories necessary for the manufacture and maintenance of computers,* between points in CA, Richardson, TX, Charlotte, NC, and Sudbury, MA, and their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Apple Computer, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frederick W. Tierney, Jr., Traffic Manager, Apple Computer, Inc., 10260 Bandley Drive, Cupertino, CA 95014.

MC 141804 (Sub-6–61TA), filed July 1, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Chemicals, fabrics, and products, materials and supplies utilized by Olin Chemical Group,* (except commodities in bulk), between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Olin Chemical Group, for 180 days. Supporting shipper: Edward Pelle, Transportation Manager, Consumer and Packaging Products, Olin Chemical Group, 120 Long Ridge Road, Stamford, CT 06904.

MC 141804 (Sub-6–62TA), filed July 1, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Fried pork skins or rinds and snack foods,* except those requiring refrigeration, from Dallas, TX to Anaheim, CA and Mobile, AL. Restricted to traffic originating at the facilities of Mac's Old Plantation Crackling Company, for 180 days. Supporting shipper: Kim Campbell, Secretary/Treasuere, Mac's Old Plantation Crackling Co., 613 N. Great South Western Parkway, Arlington, TX 76011.

MC 143775 (Sub-6–19TA), filed June 30, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *(1) Paper and paper products and (2) materials, equipment, and supplies used in the manufacture, sale and distribution thereof,* from Kent, WA; Everett, WA; Seattle, WA; Albina, OR and Portland, OR to points in AZ and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: James E. Duffy, Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–21153 Filed 7–15–80; 8:45 am]

BILLING CODE 7035–01–M

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Motor Carrier Board, Members Holyfield, Hedetniemi, and Healy.

Agatha L. Mergenovich,

Secretary.

MC–FC–78578. By decision of June 30, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to Webber Transport Co. of Avenue, NJ, of Certificate MC–87928 and MC–87928 (Sub-Nos. 40, 41, 42, 44, 45, 46 and 47), issued August 2, 1967, May 26, 1961, August 4, 1965, September 3, 1965, June 3, 1966, March 19, 1969, February 25, 1976, October 29, 1976, respectively, to Automobile Transport, Inc. (Alexander G. Andrews, Trustee in Bankruptcy), and Certificate MC–87928 (Sub. E–1) published in the **Federal Register** of February 20, 1975, authorizing the transportation, as a common carrier, of (A) Automobiles, trucks, bodies, chassis, cabs and parts and accessories thereof; and automobile show equipment and paraphernalia, in truckaway and/or driveaway service, over irregular routes, in (1) initial movements generally (a) from points in Wayne County, MI, to points in the United States (except AK and HI); (b) from Cincinnati, OH to points in IL, IN, KY, MI, NC, OH, PA, SC, TN, VA, and WV; (c) from Edison Township, Middlesex Cty, NJ, to points in AL, CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PS, RI, SC, TN, VT, VA, WV, and DC; (d) from the plantsite of the Lincoln-Mercury Division of the Ford Motor Company at or near the St. Louis-Lambert Municipal Airport, St. Louis City, MO; to points in AL, MS, AR, IL, IN, IA, KS, KY, MO, NE, OK, and TN; (e) from Willow Run, Washtenaw Cty., MI, to Pittsburgh, PA, and points in IL, IN, KY, MI, OH, VA, WV; (f) from Robertson, MO, to points in MI, OH, PA, WI, CO, WY, NM, LA, MS and AL; (g) from Hazelwood, MO, to points in MN, MT, ND, SD, GA, FL, NC and SC; (h) from Dearborn and Detroit, MI, to Quapaw, OK; (j) from Warren Township, Macomb Cty., MI, to Detroit, MI, and points in OH, NC, NY, PA, SC, and TN; (j) from certain points in Oakland Cty., MI, to points in the United States (except AK and HI); (k) from, Lorain, OH to points in the United States (except AK and HI); (l) from Buffalo, NY to points in NY, PA, VT, NJ, MA, MD, OH, WV, CT, VA, ME, NH, RI, DE, and DC; (m) from Cleveland OH, to points in Wayne Cty., MI, MD, PA, WV, and OH; (n) from Edgewater, NJ, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VT, VA, and DC; (o) from Mahwah, NJ, to St. Louis, MO and points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, DC, AL, FL, GA, IL, IN, KY, LA, MI, MS, and WI; and (p) from the facilities of Volvo of America Corporation at Chesapeake, VA, to points in the United States (except AK and HI); (2) in secondary movements (a) between points in CT, MD, MA, NJ, NY, PA, VT, VA, IL, IN, KY, MI, OH, WV, NC, DC, SC, TN, DE and RI; (b) from the plantsite of the Special Products Divisions of the Ford Motor Company in Wayne Cty., MI to points in IA, MN, ND, SD, NE, MT, WY, CO, NM, ID, UT, AZ, WA, OR, NE and CA; (c) from Mahwah, NJ, to points in ME and NH; (d) from points in NY and MA to points in ME and NH; and (e) from the facilities of Volvo of America Corporation at Chesapeake, VA to points in the United States (except AK and HI). (B) Damaged, defective or returned shipments of the commodities named in (A) above from points in the United States (except AK and HI) to Lorain Cty., OH; (2) from points in CT and MA, to Buffalo, NY (3) from AL, CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and DC to Edison Township, Middlesex Cty., NY, and (4) from points in AL, MS, AR, IL, IN, IA, KS, KY, MO, NE, OK and TN to the plantsite of the Lincoln-Mercury Division of the Ford Motor Company at or near the St. Louis-Lambert Municipal Airport, St. Louis Cty., MO. (C) Buses and parts and accessories thereof in truckaway or driveaway service, over irregular routes, (1) in initial movements (a) from points in Lorain Cty., OH to points in the United States (except AK and HI); and (2) from the plant site of the Ford Motor Company in Wayne Cty., MI, to points in IA and MN; and (2) in secondary movements from points in NY and MA to points in ME, and NH. (D) Damaged or returned shipments of the commodities named in (C) above from points in the United States (except AK and HI) to Lorain Cty., OH. (E) Farm tractors and parts and accessories thereof (1) to Highland Park, MI to points in SC, GA, FL, AL, TX and OK; (2) from points in Wayne Cty., MI to points in DC, DE, ME, VT, NH, MA, CT, RI, NY, IA, MN and NJ; (3) from Buffalo, NY to points in ME, VT, NH, MA, CT, RI, NY, NJ, DE, MO and PA; (4) from the plantsite of the Ford Motor Company in Wayne Cty., MI to points in MO and WI; (5) from points in NY and MA to points in ME, NH, VT, MA, CT, RI, NY, NJ and PA. (F) Damaged or defective shipments of the commodities named in (E) above from DE, MD and PA to Buffalo, NY. (G) Motor homes, in secondary movements,

in truckaway service, when moving in mixed loads with automobiles and trucks between points in CT, MD, MA, NJ, NY, PA, VT, VA, DC, IL, IN, KY, MI, OH, WV, NC, SC, TN and RI. The foregoing summary is offered as sufficient public notice of the nature and scope of the operating rights to be transferred. It is not intended to be and should not be deemed a complete description of said operating rights, which are contained in Docket No. MC–87928 and Subs thereto. Application has been filed for TA under 49 U.S.C. 11349. Applicant's representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. The above approval of the Motor Carrier Board is subject to the condition that, prior to or concurrently with consummation, transferee must furnish proof to the Commission that the certificate of its affiliate T-EMP, Inc., in No. MC–129243 has been revoked.

MC–FC–78620. By decision of June 30, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 The Motor Carrier Board approved the transfer to Blue Ribbon Trucking, Inc., of Fairfield, NJ, of Certificates No. MC–44523 and (Sub-Nos. 1 and 2) issued July 22, 1976, December 6, 1977, and January 21, 1977, to Red Arrow Trucking Co., a corporation, of Jersey City, NJ, authorizing the transportation of machinery, from Paterson and Belleville, NJ, to Philadelphia, PA, and Baltimore, MD, window-display material, from Belleville, NJ, to Bridgeport, CT, and Philadelphia, PA, from Paterson, NJ, to Philadelphia, PA, brushes, from Paterson and Belleville, NJ, to Philadelphia, PA, magnesium and insulating material, from Valley Forge, PA, to Newark, NJ, paper and paper products, from New Hope, PA, to Belleville, NJ, textiles, from Wilmington, DE, to Belleville, NJ, general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between points in Essex, Hudson, and Passaic Counties, NJ, between points in Essex, Hudson, and Passaic Counties, NJ, on the one hand, and, on the other, points in Nassau County, NY, wood cases and leather, between Newark, NJ, Chester, PA, and Wilmington, DE, oil, leather, soap, pigment, coloring matter, paper, shellac, and brushes, between New York, NY, on the one hand, and, on the other, points in the Union, Essex, Hudson, Bergen, and Passaic Counties, NJ, general commodities, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the New York, NY Commercial Zone, on the one hand, and, on the other, point in Bergen, Essex, Ocean, Hudson, Monmouth, Middlesex, Morris, Passaic, Somerset, Union, and Sussex Counties, NJ, general commodities (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bergen, Ocean, Monmouth, Middlesex, Morris, Somerset, Union, and Sussex Counties, NJ, on the one hand, and, on the other, points in Nassau County, NY. Applicants' representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. An application seeking temporary lease authority has been filed. Transferee holds no authority from the Commission.

MC–FC–78604, filed May 2, 1980, and previously noticed in **Federal Register** issue of June 24, 1980. By decision of June 2, 1980, issued under 49 U.S.C. 10929 and the transfer rules at 49 CFR 1132, the Motor Carrier Board approved the transfer to Milk Tank Lines, Inc., of Frazer, PA of Certificate MC 59064 issued August 14, 1970, to La MAR HOPEWELL, of Trout Run, PA, authorizing the transportation of *fertilizer*, between Baltimore, MD, on the one hand, and, on the other, Williamsport, Wellsboro, and Galeton, PA; *canned goods, groceries,* and *fresh vegetables,* between Baltimore, MD, and Williamsport, PA; *sugar,* from Baltimore, MD, to Williamsport, PA; *feed,* between Buffalo, NY, on the one hand, and, on the other, Galeton and Wellsboro, PA; and *lettuce, celery,* and *fresh vegetables,* between Wellsboro, PA, and Baltimore, MD. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Application has been filed for approval of temporary lease.

Note.—This republication corrects the deletion of the destination points of Wellsboro and Galeton, PA, and the deletion of the transportation of canned goods, groceries, and fresh vegetables, between Baltimore, MD, and Williamsport, PA, as well as the deletion of transportation of sugar, from Baltimore, MD, to Williamsport, PA.

MC–FC–78619. By decision of June 19, 1980 issued under 49 U.S.C 10926 and the transfer rules at 49 C.F.R. 1132. The Motor Carrier Board approved the transfer to W.Y.S., INC., of Kent, WA, of Certificate MC 95810, issued March 4, 1949 to SECURITY TRANSFER & STORAGE CO., of Seattle, WA, authorizing the transportation of *general commodities,* (except household goods, as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, in collection and delivery service, between points and places within three miles of Seattle, WA, including Seattle. Representative is: Boyd Hartman, Esq 10655 N.E., 4th St., Suite 210, P.O. Box 3641, Bellevue, WA 98009.

MC–FC–78647. By decision of June 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. The Motor Carrier Board approved the transfer to K & A LEASING COMPANY, INC., of Billings, MT, of a portion of Certificate MC 106887 issued June 17, 1977 to A. D. DAY TRUCKING, INC., d.b.a. NORTHWESTERN COLORADO PIPE & STORAGE CO., at Craig, CO, authorizing the transportation of *unrefined petroleum,* in bulk, in tank vehicles, between points iun CO, UT, and WY, within 100 miles of Rock Springs, WY, including Rock Springs. Representative is: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transferee is not a carrier. An application seeking temporary lease authority has not been filed.

MC–FC–78648. By decision of June 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. The Motor Carrier Board approved the transfer to DON LAKE-MOBILE, INC., of Columbia, MO of Certificate MC 124262 issued May 5, 1977 to SIMMONS AND SONS GARAGE, INC., of Boonville, MO, authorizing the transportation of *wrecked disabled and inoperative abandoned motor vehicles, replacement motor vehicles* for abandoned, wrecked, disabled, and inoperative motor vehicles, *abandoned, wrecked, disabled and inoperative trailers, semitrailers, boats, boat trailers and house trailers,* and *replacement therefor,* by the use of wrecker equipment, between points in Callaway, Boone, Howard, and Saline Counties, MO, on the one hand, and on the other, points in AR, IL, IN, IA, KS, NE, and OK. Representative is: Richard C. Brownlee III, P.O. Box 1069, Jefferson City, MO 65102. Transferee holds no authority from the Commission. An application seeking temporary lease authority has not been filed.

MC–FC–78649. By decision of June 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. The Motor Carrier Board approved the transfer to NTL, INC., of Dallas, TX, of Permits MC 135697 and (Subs-1 and 10) issued to DALLAS CARRIERS CORP., of Dallas, TX, authorizing the transportation of *meats and related commodities,* between points in the United States (except AK and HI), under contract with Trinity Valley Foods, Inc., of Dallas, TX. Representative is: J. Max

Harding, Suite 500, the Atrium, P.O. Box 82028, Lincoln, NE 68501. Transferee holds no authority from the Commission. An application seeking temporary lease authority has not been filed.

MC–FC–78650. By decision of June 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132. The Motor Carrier Board approved the transfer to REYNOLD L. MIARER, of Kansas OH, of Permit MC 140174 (Sub-3) issued March 20, 1978 to BROOKS TRUCKING, INC., of Vanlere, OH, authorizing the transportation of *fertilizer and fertilizer compounds* (except liquid commodities in bulk), from Findlay, OH, to points in IN and MI, under contract with W. R. Grace & Co., Agricultural Chemicals Group. Representative is: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Transferee holds no authority. An application seeking TA has not been filed.

MC–FC–78654. By decision of June 25, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. The Motor Carrier Board approved the transfer to EDWARD MARTIN KRELLER, JR., of Permit MC 101689 issued October 22, 1942 to EDWARD M. KRELLER, of Baltimore, MD, authorizing operations transporting *such commodities* as are dealt in by wholesale, retail, and chain grocery houses, and in connection therewith, equipment, materials and supplies used on the conduct of such business, between points in a defined portion of PA, WV, MD, DE, VA, and DC, under contract with persons who operate retail stores, the business of which is the selling of food. Representative is: Robert G. Lembach, 1910 Charles Center South, 36 S. Charles St., Baltimore, MD 21201. Transferee holds no authority from the Commission. An application seeking temporary lease authority has not been filed.

MC–FC–78661. By decision of June 30, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. The Motor Carrier Board approved the transfer to HICKS CORNERS TRUCKING, INC., of Shullsburg, WI, of Certificate MC 141215 (Sub-2) issued May 12, 1977 to C & L FARMS, INC., of Highland, WI, authorizing the transportation of pipe and materials, equipment and supplies used in or useful in the manufacture, sale, installation or distribution of pipe when shipped therewith, from Highland, WI to points in the United States (except AK and HI), restricted against the transportation of commodities in bulk, in tank vehicles. Representative is: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78663. By decision of June 30, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. The Motor Carrier Board approved the transfer to WERNER-BURTON CONSTRUCTION, INC., of Benton, PA, of Certificate MC 138966 (Sub-2) issued July 21, 1976 to SUTCO, INC., of Taylor, PA, authorizing the transportation of pre-cut buildings, and materials and supplies used in the manufacture of pre-cut buildings, from and to the facilities of Lindal Cedar Homes at Shereville, IN, Tacoma, WA, Scranton, PA, Atlanta, GA, and points in the United States (with exceptions and restrictions). Representative is: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Transferee holds no authority. TA lease authority is not sought.

MC–FC–78664. By decision of June 30, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. The Motor Carrier Board approved the transfer to ROY RIPLEY and R. F. CAMPBELL, d.b.a. R and C. ENTERPRISES, of Johnson City, TN, of Certificate MC 139877 (Sub-2) issued March 31, 1977 to TRI-CITY RENTALS, INC., of Kingsport, TN, authorizing the transportation of general commodities (usual exceptions), between points in Carter, Greene, Hawkins, Johnson, Sullivan, Union, and Washington Counties, TN, and points in Russell, Scott, Washington, and Wise Counties, VA, on the one hand, and, on the other, the Douglas Municipal Airport, at or near Charlotte, NC, restricted to the transportation of traffic having a prior or subsequent movement by air. Representative is: R. F. Campbell, P.O. Box 2492, Johnson City, TN 37601. No TA lease application has been filed. Transferee holds no authority.

[FR Doc. 80–21160 Filed 7–15–80; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–69]

Certain Airtight, Cast Iron Stoves; Termination

Upon consideration of the presiding officer's recommendation and the record in this proceeding, the Commission is odering the termination of investigation No. 337–TA–69, Certain Airtight Cast-Iron Stoves, as to respondent Huan Enterprise Corporation, by granting Motion 69–25 by the Commission investigative attorney. The motion to terminate was unopposed by the other parties to the investigation.

The order is effective as of July 11, 1980.

Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission order. Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56).

Copies of the Commission's action and order, Commissioners' opinion(s) and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone (202) 523–0161.

Notice of the institution of this investigation was published in the **Federal Register** of July 12, 1979 (44 FR 40732).

By order of the Commission.

Issued: July 11, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–21227 Filed 7–15–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–31–39 (Final)]

Canned Hams and Shoulders From the European Communities

Determination

On the basis of the record [1] developed in investigations Nos. 701–TA–31–39 (Final), the Commission determines,[2] pursuant to section 104(a)(2) of the Trade Agreements Act of 1979, that an industry in the United States is not materially injured, is not threatened with material injury, and that the establishment of an industry is not materially retarded by reason of imports of hams and pork shoulders, cooked and packed in airtight containers, provided for in items 107.30 and 107.35 of the Tariff Schedules of the United States (TSUS) from the member states of the European Communities (EC), with respect to which the Department of Commerce has reported that a subsidy is being provided, and which are subject to outstanding countervailing duty

[1] The "record" is defined in sec. 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Participating in the unanimous negative determination were Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioners George M. Moore, Catherine Bedell, and Paula Stern.

orders, but for which the imposition and collection of such duties have been waived. The amount of subsidies received by the member states of the EC as reported by Commerce are as follows: Belgium/Luxembourg 36.15 cents per pound for canned hams and 29.81 cents per pound for canned shoulders; Denmark, 33.32 cents per pound for canned hams and 26.62 cents per pound for canned shoulders; France, 31.12 cents per pound for canned hams and 25.62 cents per pound for canned shoulders; Federal Republic of Germany, 52.72 cents per pound for canned hams and 43.68 cents per pound for canned shoulders; Ireland, 32.00 cents per pound for canned hams and 26.35 cents per pound for canned shoulders; Italy, 20.06 cents per pound for canned hams and 16.34 cents per pound for canned shoulders; the Netherlands, 36.31 cents per pound for canned hams and 29.94 cents per pound for canned shoulders; and the United Kingdom, 33.26 cents per pound for canned hams and 27.39 cents per pound for canned shoulders.

Background

Section 104(a) of the Trade Agreements Act of 1979 (Pub. L. 96–39, July 26, 1979) requires that the United States International Trade Commission make an injury determination in those cases in which the Commission has received the most current net subsidy information pertaining to any countervailing duty order in effect on January 1, 1980, which had been waived pursuant to section 303(d) of the Tariff Act of 1930 or which had been published on or after the date of enactment of the Trade Agreements Act of 1979 (July 26, 1979).

On January 7, 1980, the Commission received advice from the U.S. Department of Commerce, the administering authority under the provisions of the Trade Agreements Act of 1979, that a countervailing duty order that had been waived pursuant to section 303(d) of the Tariff Act of 1930 (19 U.S.C. 1303(d)), was in effect on January 1, 1980, with respect to canned hams and shoulders from the member states of the EC. On February 5, 1980, and again on June 19, 1980, the Commission received from the Department of Commerce the most current net subsidy information available with respect to the countervailing duty order on canned hams and shoulders from the EC. Accordingly, the Commission instituted investigations Nos. 701–TA–31–39 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports of hams and pork shoulders, cooked and packed in airtight containers, provided for in items 107.30 and 107.35 of the TSUS, from the EC, which are subject to the outstanding countervailing duty order that had been waived.

Notice of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and at the Commission's New York City Office, and by publishing the notice in the **Federal Register** of February 22, 1980 (45 FR 11938). The public hearing for this investigation was held in Washington, D.C. on June 4, 1980, and all persons who had requested the opportunity were permitted to appear in person or through counsel.

Statement of Reasons of Commissioners George M. Moore, Catherine Bedell and Paula Stern

On the basis of the record developed in investigations Nos. 701–TA–31–39 (Final), we detrmine, pursuant to section 104(a)(2) of the Trade Agreements Act of 1979, that an industry in the United States is not materially injured, is not threatened with material injury, and the establishment of an industry is not materially retarded by reason of imports of hams and pork shoulders, cooked and packed in airtight containers, provided for in TSUS items 107.30 and 107.35, from the member States of the Europoean Communities (EC), with respect to which the Department of Commerce has reported that a subsidy is being provided and which are dubject to outstanding countervailing duty orders, but for which the imposition and collection of countervailing duties have been waived.

The domestic industry

In this investigation, we have concluded that the appropriate domestic industry against which the impact of subsidized imports of canned hams and shoulders from the EC should be measured consists of those facilities in the United States producing canned hams and shoulders. We base this finding on Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4) which defines the term "industry" to mean the domestic producers of a "like product," which in turn is defined in section 771(10) as a "product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Section 771(4) further provides:

(D) Product lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

In this case, the "like product" is domestic canned hams and shoulders, which are produced by a process nearly identical to that used in producing the imported product. Canned hams and shoulders have a longer shelf life than hams other than canned,[1] and the storage and trnsportation requirements of domestic and imported canned hams and shoulders are more similar than for hams and shoulders other than canned.[2]

A narrower industry defined on the basis of quality has not been demonstrated. There is no standard definition or consensus within the industry as to the meaning of the term "import quality" or "slicing style."[3] While all domestic producers agree that there are ranges in quality of both domesti and imported canned hams, there are no government or industrywide standards for grading quality.[4] Many of the commonly used criteria are admittedly subjective, such as flavor, color and texture. Individual companies use varying objectives measures of quality, such as fat content, moisture content, and percentage of added material, but not standard objective measure is used by all companies.[5] In addition to the difficulty in obtaining industry agreement on the definition of a narrower industry, no data are available with regard to production, employment, and profit and

[1] Canned hams and shoulders can last for years, whereas noncanned hams andshoulders last up to approximately 160 days. An expiration date is required on noncanned hams and shoulders, but no expiration date is required on canned hams and shoulders. See Transcript of Proceeeding, ITC Hearing at 216 (June 4, 1980).

[2] Commissioner Stern notes that insufficient information was provided to justify finding a wider industry than canned hams and shoulders. The record shows neither what portion of canned hams and shoulders entering the United States are repackaged for further sale nor as to what extent, if any, imported and domestic products in similar or different packaging compete for institutional customers. Such information should be made available in any future case involving these products. Commissioner Stern does not exclude the possibility of making an expanded "like product" finding when the record is sufficient to do so.

[3] Staff Report, at A–16.

[4] *Id.*

[5] *Id.*

loss for "import quality" or "slicing style" canned hams and shoulders to permit the identification of a separate quality-based canned ham and shoulder industry pursuant to section 771(4)(D) of the act.

Similarly, no meaningful data are available to permit the separate identification of either a retail or institutional size canned ham and shoulder industry. Cans holding hams or shoulders between 3 and 11 pounds could be considered either retail or institutional. The Tariff Schedules of the United States divide the imported canned hams and shoulders into less than 3 pounds and 3 pounds or over, thereby not reflecting the fact that many hams and shoulders in cans holding 3 pounds or over may be destined for retail sale. the imported retail-size canned hams and shoulders are given the same subsidy as the institutional-size canned hams and shoulders. Therefore, we have defined the appropriate industry as the total canned ham and shoulder industry in the United States.

Material injury by reason of the subsidized imports

Section 771(B) and (C) of the act requires the consideration of the volume of imports, their effect on domestic prices, and their impact on domestic producers of a like product using guidelines of certain specific economic factors. The following are our findings based on the rebord in this investigation.

Volume of subsidized imports

The volume of imports of canned hams and shoulders from the EC has fallen off dramatically since 1977, from 123 million pounds in 1977 to 81 million pounds in 1979, or by 34 percent.[6] Denmark and the Netherlands account for over 98% of EC imports to the U.S. Imports from these main exporting countries declined significantly. Imports from Denmark declined from 88 million pounds in 1977 to 72 million pounds in 1979, or to about 80 percent of the 1977 level.[7] Imports from the Netherlands declined even more, from 33 million pounds to 8 million pounds, or to about 24 percent of the 1977 level.[8] During this period, imports from all other EC countries declined from 2.3 million pounds to 1.4 million pounds, or to 60 percent of the 1977 level.[9] Moreover, as a share of all imports, imports from the EC declined from about 49 percent to 34 percent between 1977 and 1979.[10] These trends suggests that the impact of the EC as a whole and of the important member state exporters taken individually on the domestic industry has been declining in importance since 1977. Additionally, the ratio of imports from the EC to consumption declined from 22.5 percent in 1977 to 15 percent in 1979.[11]

Effect of imports on U.S. prices

The prices for imported canned hams and shoulders were consistently above the domestic levels throught the period 1977–1979. Moreover, the difference between the domestic and import prices appears to be widening. The prices of canned hams from the main exporting countries of the EC—Denmark and the Netherlands—were consistently higher than the domestic prices.[12] A strong correlation between the changes in the domestic and import prices has not been demonstrated. Taken together, the higher prices, increasing price differences and low correlation between the domestic and import prices provide no indication that the prices of imports from the EC exert a significant suppressing or depressing effect on the prices of domestic canned hams and shoulders.[13]

Impact on Domestic Producers of the Like Product

U.S. production of canned hams and shoulders was approximately 3 percent higher in 1979 than in 1977, increasing from 293 million pounds in 1977 to 302 million pounds in 1979.[14]

The minor decline in capacity utilization in the domestic industry resulted from an increase in capacity while production of canned hams and shoulders remained relatively constant, rather than from injurious imports.[15]

Average monthly inventories of canned hams and shoulders were about 7 million pounds higher in 1979 than in 1977.[16] However, in terms of quantity, imports from the EC declined rapidly relative to other sources of imports and relative to apparent consumption. Thus, it is unlikely that imports from the EC were the cause of the increase in domestic inventories.

The number of production workers employed remained the same in 1979 as it was in 1977.[17] In addition, the total number of hours worked and the average hourly productivity per worker remained relatively stable during 1977–1979.[18] Domestic wages increased on the whole for the meat-processing industry, which includes the large-volume producers in the ham—and shoulder-canning industry. Wages increased from $6.27 per hour in 1977 to $7.58 per hour in 1979[19]

Based on questionnaire responses by producers representing 56 percent of U.S. production, profitability in the canned ham and shoulder industry increased in 1979 compared with that in 1979. Aggregate net sales rose by 12 percent from $237 million in 1977 to $266 million in 1979.[20] Although net operating profit declined to $2.5 million in 1978, from $3.3 million in 1977, 1979 showed an increase to $2.8 million[21] The ratio of net operating profit to net sales shows a similar trend.[22]

Because the EC's share of the market has been falling rapidly relative to domestic production and other sources of imports, it is unlikely that they are a negative factor in the domestic industry's present profit conditions.

Cash flow from operations declined from $4 million in 1977 to $3.1 million in 1978 but increased to $3.5 million in 1979. Capital expenditures showed the same trend, declining from $1.5 million in 1977 to $1.0 million in 1978 and then increasing to $1.3 million in 1979.[23]

Although only one firm alleged lost sales, none of the allegations could be substantiated by examples of sales lost in direct competitive bidding.[24]

Conclusion

The appropriate domestic industry against which the impact of subsidized imports of canned hams and shoulders should be measured consists of those facilities in the United States producing canned hams and shoulders. No causal link has been demonstrated between the presence of declining subsidized subject imports and any problems of the domestic producers. We have therefore determined that the domestic industry is not materially injured and is not threatended with material injury, by reason of imports of canned hams and shoulders from the member States of the European Communities, which are subject to outstanding waived countervailing duty orders.

[6] *Id.* at A–21, table 10.
[7] *Id.* at A–21–22, tables 10 and 11.
[8] *Id.*
[9] *Id.*
[10] *Id.* at A–21, table 10.
[11] *Id.* at A–32, table 18.
[12] *Id.* at A–35, A–39, A–42–43, tables 21–24.
[13] *Id.* at A–35 and A–38.
[14] *Id.* at A–18, table 8.
[15] *Id.* at A–18.
[16] *Id.* at A–19.
[17] *Id.* at A–25.
[18] *Id.*
[19] *Id.* at A–29.
[20] *Id.* at A–30.
[21] *Id.*
[22] *Id.*
[23] *Id.* at A–30–31.
[24] *Id.* at A–38.

Views of Chairman Bill Alberger and Vice Chairman Michael J. Calhoun

On the basis of the record developed in investigations 701–TA–31 through 39 (Final), we determine, pursuant to section 104(a)(2) of the Trade Agreements Act of 1979, that an industry in the United States is not materially injured and is not threatened with material injury, and the establishment of an industry is not materially retarded,[1] by reason of imports of canned hams and shoulders from the member states of the European Communities (EC), with respect to which the Department of Commerce has reported that a subsidy is being provided.[2] There is an outstanding countervailing duty order on these products, but the imposition and collection of the duties have been waived.[3]

The original petition in this case, filed in 1967 by Farmland Industries Inc., alleged that the EC bestowed subsidies on exports of canned hams. The Department of the Treasury broadened its subsidy investigation to include canned shoulders and found both canned hams and canned shoulders to be benefiting from export restitution payments provided by the EC.

Domestic Industry

To begin analysis of the impact of the subsidized imports on a domestic industry, the Commission must first define the relevant industry by identifying the producers of the product which is like the article subject to the investigation or, in the absence of like, the product which is most similar in characteristics and uses with that article. Under section 771(4)(A) of the Tariff Act of 1930, the term "industry" is defined as,

> [T]he domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

The term "like product" is defined in section 771(10) as,

> [A] product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.

The Committee on Finance Report, which accompanies the Trade Agreements Act of 1979, provides guidance to the Commission in determining the nature of a "like product." According to the report,

> [T]he requirement that a product be "like" the imported article should not be interpreted in such a narrow fashion as to permit minor differences in physical characteristics or uses to lead to the conclusion that the product and article are not "like" each other, nor should the definition of "like product" be interpreted in such a fashion as to prevent consideration of an industry adversely affected by the imports under investigation.[4]

Imports of hams and shoulders from the EC which enter the United States under item 107.35 of the Tariff Schedules of the United States must have undergone three processes: Boning, cooking and packaging in airtight containers. The method used to produce imported hams and shoulders is known as sectioning and forming, massaging, and tumbling. This particular process produces hams and shoulders of superior quality. Generally agreed upon indices of such quality in hams and shoulders are uniformity of color and shape, leanness, and high yield.

Imported hams and shoulders from the EC enter the United States in a variety of shapes and sizes. The Tariff Schedules break imports into two categories, containers holding less than three pounds and containers holding three pounds or more. The smaller hams and shoulders are most often available in supermarkets and department stores. But, the overwhelming majority of canned hams and shoulders from the EC are imported in containers weighing three pounds or more. Canned hams and shoulders in this category accounted for 92 percent of the EC total in 1977, 91 percent in 1978, and 87 percent in 1979.

An important aspect of the importation of canned hams and shoulders from the EC is that importers further process a substantial portion of these imports before they enter the U.S. marketplace. While we were not able to obtain specific data, uncontroverted testimony on the record indicates that a large quantity of imported hams and shoulders arriving in containers of three pounds or more is sliced and repackaged in airtight plastic containers by the importer. In their new packaging, the imports are then sold to delicatessens, restaurants, and other mass feeding establishments. Since, in addition to cans, a significant portion of imported hams and shoulders first enter the marketplace in airtight plastic containers, it is simplistic, if not misleading, to analyze the imported article as though it were exclusively canned hams and shoulders.

On the domestic side, hams and shoulders are products of pork processors, but are only one of a variety of pork products they produce. As is the case with the imported article, domestic hams and shoulders are boned, cooked, and packaged in airtight containers. With regard to the method of production, domestic hams and shoulders are, for the most part, processed in a manner identical to that employed in the production of the imported article. Massaging and tumbling is the process used by virtually all domestic producers. A significant protion of the domestic producers also use sectioning and forming. However, a small amount of processed hams and shoulders specifically for use by the U.S. military is not produced in this way.

Allegedly, imported hams and shoulders historically have been superior in quality to domestically produced hams and shoulders. Testimony presented by both the petitioners and the respondents at the hearing confirms that domestic producers now employ the same method of production as the European producers and produce hams and shoulders comparable in quality to the imported product. Domestically produced hams and shoulders do not appear to be discernably different from imported hams and shoulders.

Testimony presented during the hearing indicates that domestic producers, as well as importers, package hams and shoulders in airtight plastic containers. While no data are available to accurately quantify this production, discussion in the hearing transcript indicates that such production is significant. One reason why production information is difficult to obtain is that domestic producers under USDA regulation have a greater degree of flexibility than European producers in packaging processed hams and shoulders. Imported hams and shoulders are packaged in cans not only to comply with USDA requirements, but also to provide economical and practical transoceanic shipment. Cans enable easy handling and afford adequate shelf life without refrigeration or special handling. Domestic marketing considerations do not always require packaging in cans. Some processed whole hams and shoulders are packaged directly in other airtight containers. And, much like importers, some domestic processors slice and package hams and shoulders in airtight plastic containers prior to sale in the marketplace.

[1] Since there is an established domestic industry producing hams and shoulders and also domestic producers of canned hams and shoulders, the question of material retardation of the establishment of an industry is not at issue and will not be discussed further.

[2] The amount of subsidies received by producers in each of the member states of the EC as found by the Commerce Department is listed on page A–51 of the Commission Report.

[3] Section 303(d), Tariff Act of 1930.

[4] Committee on Finance, U.S. Senate, Report No. 96–249, 96th Cong., 1st Session, pp. 90–91.

The domestic product which is "like" the imported canned hams and shoulders has to be more than domestically produced canned hams and shoulders. A significant percentage of imports of canned hams and shoulders are repackaged into airtight plastic containers by the importer prior to sale within the United States. These hams then compete with and, in fact, are identical to certain domestically produced hams that have never been inside a can. Thus, it is our view that there are two like products produced by the domestic industry: (1) hams and shoulders in cans, and (2) hams and shoulders in airtight plastic containers. And the industry, which is "the domestic producers as a whole of a like product," is the producers of these ham and shoulder products. Since hams and shoulders in airtight containers are produced by pork processors, the domestic industry is comprised of all pork processors who produce such hams and shoulders.

Material Injury

Section 104(a) of the Tariff Act of 1930 provides for a Commission final determination as to material injury or threat thereof. Under section 771(7)(B), in making such a final determination,

> [T]he Commission shall consider, among other factors—
> (i) The volume of imports of the merchandise which is the subject of the investigation,
> (ii) The effect of imports of that merchandise on prices in the United States for like products, and
> (iii) The impact of imports of such merchandise on domestic producers of like products.

In addition, section 771(4)(D), directs the Commission to assess the effect of subsidized imports in relation to the domestic production of a like product,

> [I]f available data permit the separate identification of production in terms of such criteria as production process or the producer's profits.

If this is not possible then,

> [T]he effect of the subsidized . . . imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

We believe imports of canned hams and shoulders constitute two separate products: Those that remain canned and enter the marketplace as such, and those that are repackaged into other airtight containers prior to entering the marketplace. In most instances, the condition and character of articles entering the customs territory of the United States are the same as those of articles entering the marketplace upon initial sale. Therefore, the Commission has been proper in focusing on the nature of imported articles with regard to their condition and character as entered. In this case, however, a difference sometimes exists between the article at formal entry and the article at initial sale. Thus, in this case, the Commission's proper concern must be with regard to the imported article as it is at initial sale in the United States.

The fact is that, because of repackaging, some imported canned hams and shoulders may never compete with domestically produced canned hams and shoulders in the marketplace. In those circumstances, causation with respect to material injury to canned ham and shoulder producers would not exist. Furthermore, domestic canned hams and shoulders are like the imported canned product. As well, domestic hams and shoulders in airtight plastic containers are like the repackage imported product. Therefore, in applying section 771(4)(D) to the circumstances of this case, we look to data on U.S. production of two product lines, canned hams and shoulders and hams and shoulders packaged in airtight plastic containers, in order to assess material injury.

The Commission has extensive data on domestic production, profits and other 771(7)(B) factors regarding canned hams and shoulders. Indeed material injury with respect to these products was the case petitioner argued. However, petitioner argued that all imports were *canned* for purposes of import penetration and alleged injurious impact. We know that "imports" of EC canned hams and shoulders entering the marketplace are must smaller than all EC canned hams and shoulders entering U.S. ports, since a substantial portion of such canned hams and shoulders are repackaged in airtight plastic containers. We cannot quantify what actual EC canned hams and shoulders sales are, but we know them to be less than total imports from the EC. Thus we have assessed the question of injury under circumstances most favorable to the domestic industry, and we find no injury by reason of such imports.

With respect to sales of imported hams and shoulders in airtight plastic containers, the Commission has no data on domestic production, profits, etc. of the like product. The petitioner did not argue that such producers of that product line were injured by these repackaged hams and shoulder imports. Nor was any data put forward to illustrate such circumstances. The Commission has insufficient data to allow the examination of the production of any "narrowest group or range of products, which includes a like product". Therefore under the statute we must resort to the best information available in assessing injury. Adequate consideration of petitioner's best case has been made by analyzing the narrowest product lines allowed by the statute and available data, and we cannot find the requisite degree of injury by reason by such imports.

EC imports of canned hams and shoulders have been declining significantly, by 35 percent from 1977 to 1979. During this same time, imports, from Nonmarket Economies have grown to account for about ⅔ of the import market. As a share of apparent U.S. hams and shoulder consumption, EC imports have declined yearly, accounting for slightly less than 2 percent of the U.S. market in 1979.

Annual production of domestic canned hams and shoulders currently accounts for about 8 percent of the overall U.S. hams and shoulder production. Within this canning segment, profit and loss data was gathered on U.S. producers representing 56 percent of domestic production. The period 1977–1979 showed rising aggregate net sales, although net profits from operation were lower in 1978 and 1979 that in 1977, both absolutely and as a percent of sales. Since the EC's share of the market has dropped compared to both domestic production and other imports, it is unlikely that these imports from the EC are causing the industry's present profit conditions.

In addition to considering profitability, another major factor to consider when determining injury to an industry is the effect of the price of the imported items. The pricing data received by the Commission clearly indicates that EC canned hams and shoulder imports were consistently priced above the prices of the domestic canned product, in all size catagories. Pricing information showed imported Danish 3 pound canned hams to be averaging about 40 percent higher than the domestic product, and price margins on larger 11 pound EC canned hams to be about 9 percent higher. With imports of canned hams and shoulders continuing to be priced at levels significantly above domestic prices, there is no indication of price suppression. However, domestic average sale price increases have not kept up with increased costs of operation resulting from inflation.

Based on declining levels of EC imports, the small market share of imports, and prices of imports substantially higher than those of

domestics, it is clear that there is no material injury or threat thereof to a domestic industry by reason of subsidized canned hams and shoulder imports from the EC.

Findings of fact

The conclusion that the domestic industry producing hams and shoulders in airtight containers is not materially injured by reason of subsidized imports of canned hams and shoulders from the EC is based on consideration of the economic factors required by section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)). Based on the record, we find the following facts:

A. *Volume of imports*

1. The volume of U.S. imports of canned hams and shoulders from all sources rose from 252 million pounds in 1977 to 262 million pounds in 1978 before falling to 236 million pounds in 1979. The volume of imports from the EC experienced a 35 percent decline from the 1977 level of 122.8 million pounds to 80.5 million pounds in 1979. (Report at A–20)

2. Almost all imports of hams and shoulders enter the U.S. in cans due to U.S.D.A. regulations. (Report at A–5)

3. Canned ham and shoulder imports from the major exporting countries of the EC, Denmark and The Netherlands, declined throughout the 1977–79 period. Imports from Denmark declined from 88 million pounds in 1977 to 72 million pounds in 1979, a decline of 20 percent from the 1977 level. Imports from The Netherlands showed even larger declines from 33 million pounds to 8 million pounds, a decline of about 75 percent from the 1977 level. During this period imports from all other EC countries also declined from 2.3 million pounds to 1.4 million pounds. (Report at A–21—A–22, tables 10, 11)

4. As a share of total imports from all sources of canned hams and shoulders (in terms of quantity), imports from the EC declined from 48.8 percent in 1977 to 34.1 percent in 1979. During this period, imports from Nonmarket Economies (NMEs) increased their share of such imports from 50.9 percent in 1977 to 65.5 percent in 1979. (Report at A–20—22, tables 10, 11)

B. *Effect of imports on United States prices*

5. The prices of imported EC canned ham and shoulders were consistently above the domestic prices throughout the period of 1977 to 1979. The annual-average margin between Danish and U.S. prices for cans holding 3 pounds, increased from less than 30 percent in 1977 to over 50 percent in 1979. Danish prices for cans holding 11 pounds were also found to be higher than the domestic product, averaging 9 percent more. Prices of canned hams from The Netherlands averaged about 10 percent above domestic prices on all sizes of canned hams and shoulders. Price correlations between domestic and imported hams were found to be in the range of 0.5. (Report at A–33—35, and A–38, tables 19–21)

C. *Impact on affected industry*

6. Domestic ham and shoulder production increased from 3,474.2 million pounds in 1977 to 4,070.2 million pounds in 1979. Total annual production of canned hams and shoulders averaged 294 million pounds for the years 1977–1979 with a low of 286.5 million occurring in 1978 and a high of 302.3 million in 1979. Production of canned hams in containers holding 3 or more pounds increased 9 percent over this period, accounting for 96 percent of U.S. production in 1979. (Report at A–17, A–18, A–28, A–33, table 16)

7. The share of U.S. apparent consumption of canned hams and shoulders accounted for by domestic producers (based on quantity) increased slightly from 54 percent in 1977 to 56 percent in 1979. (Report at A–4, table 1)

8. Profitability of domestic producers of canned hams and shoulders increased in 1979. Aggregate net sales rose by 12 percent from $237 million in 1977 to $266 million in 1979. Although in 1978 net operating profits declined to $2.5 million, as compared to 1977 when net operating profits were $3.3 million, 1979 showed and increase to $2.8 million. The ration of net operating profits to net sales shows a similar trend but is quite low. (Report at A–30).

9. Although a few firms alleged lost sales, none of the allegations could be substantiated by examples of sales lost in direct competitive bidding for sales with imports from the EC.

10. Average annual inventories of canned hams and shoulders were about 7 million pounds higher in 1979 than in 1977. (Report at A–19, table 9)

11. The number of production workers employed in the making of canned hams and shoulders was steady through 1977-1979. Total number of hours worked per annum increased slightly in 1979 over 1977 and 1978 levels. Average hourly productivity per worker dropped slightly in 1979. Domestic wages increased on the whole for the meat processing industry, which the includes the large volume producers of canned hame and shoulders. Wages increased from $6.27 hour in 1977 to $7.58 per hour in 1979. (Report at Aa–25, 29)

12. Cash flow from operations went from $4 million in 1977 to $3 million in 1978, but increased to $3.5 million in 1979. Capital expenditures had the same trend, from $1.5 million in 1977 to 1.0 million in 1978, and then increased to $1.3 million in 1979. (Report at A–30, 31)

13. Capacity utilization declined yearly from 86 percent in 1977 to 84 percent in 1978 and finally to 80 percent in 1979. (Report at A–18)

14. No information was obtained by the Commission with respect to ability to raise capital.

15. The Commission's investigation shows that domestically produced hams and shoulders do not appear to be discernabley different from imported hams and shoulders. (Transcript of June 4, 1980, hearing at pp. 36–44; pp. 170–174)

16. The record shows that a significant amount of canned ham and shoulder imports are opened and sliced prior to sale within the United States. (Transcript of hearing at pp. 170–173) (Record of oral briefing on June 19, 1980)

Conclusions of law

A. The appropriate domestic industry against which the impact of subsidized imports from the EC should be measured consists of those domestic pork producers who produce processed hams and shoulders.

B. This domestic industry is not materially injured or threatened with material injury by reason of subsized imports of canned hams and shoulders from the EC.

By order of the Commission.

Issued: July 11, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–21233 Filed 7–15–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–87]

Certain Coin Operated Audio Visual Games and Brochures for the Advertisement Thereof; Designation of Commission Investigative Attorney

Mr. John Bryant is designated Commission investigative attorney for Investigation No. 337–TA–87, Certain Coin Operated Audio Visual Games and Brochures for the Advertisement Thereof. The service of all papers on the Commission investigative attorney should be upon Mr. Bryant, effective July 2, 1980. The Secretary is requested to publish this notice in the **Federal Register.**

Dated: July 2, 1980.

Edward M. Lebow,

Acting Chief, Unfair Import Investigations Division.

[FR Doc. 80–21232 Filed 7–15–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Notice to All Parties

The date of the prehearing conference is changed from August 26 to September 2, 1980. The hearing will commence immediately after the prehearing conference.

During a telephone conference on July 1, 1980, which was held to discuss the place of taking depositions of witnesses by respondent Crest, Crest and complainant Prodyne Enterprises, Inc. indicated that they were close to a settlement agreement under which Crest would be licensed under the 817 patent. Prodyne intends to file a motion for summary determination. Under the proposed agreement, this motion would be opposed by Crest. If the motion is granted by the Commission, Prodyne will ask the Commission to issue an exclusion order, rather than orders to crase and desist against the individual respondents.

Dated: July 7, 1980.

Janet D. Saxon,M. Lebow,

Administrative Law Judge.

[FR Doc. 80-21230 Filed 7-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Commission Determination and Order

On June 9, 1980, the U.S. International Trade Commission amended the complaint and notice of investigation in the above captioned case to include allegations that claim 1 of U.S. Letters Patent No. 3,766,817 is infringed by respondent Crest Industries Corporation, and that claims 6 and 7 are infringed by all of the respondents. Complainant Prodyne Enterprises, Inc. now seeks to have claims 6 and 7 of the '817 patent dismissed as to Crest. The presiding officer has certified and recommended to the Commission that Motion No. 76-10 be granted to terminate claims 6 and 7 of the '817 patent as to respondent Crest pursuant to 19 CFR Section 210.51.

The purpose of this Commission determination and order is to provide for the disposition of claims 6 and 7 of the '817 patent as to respondent Crest.

Determination

Having reviewed the record in this investigation, the Commission on July 8, 1980, Determined—that complainant should be allowed to withdraw claims 6 and 7 of the '817 patent from the investigation, which are alleged to be infringed by respondent Crest's food slicer.

Order

Accordingly, it is hereby ordered—

(1) That Motion No. 76-10 be granted to terminate the investigation with prejudice with respect to claims 6 and 7 of U.S. Letters Patent No. 3,766,817 as to respondent Crest Industries Corporation;

(2) that this order and determination be published in the **Federal Register** and served upon each party of record in this investigation and upon the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

(3) that a copy of the memorandum opinion may be obtained from the Secretary of the Commission, 701 E Street, NW., Washington, D.C. 20436.

By order of the Commission.

Issued: July 9, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-21235 Filed 7-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-86]

Certain Shell Brim Hats, Designation of Commission Investigative Attorney

Ms. Brooke Murdock is designated Commission investigative attorney for Investigation No. 337-TA-86, Certain Shell Brim Hats. The service of all papers on the Commission investigative attorney should be upon Ms. Murdock, effective July 8, 1980. The Secretary is requested to publish this notice in the **Federal Register.**

Dated: July 8, 1980.

Edward M. Lebow,

Acting Chief, Unfair Import Investigations Division.

[FR Doc. 80-21231 Filed 7-15-80; 8:45 am]

BILLING CODE 7020-02-M

[701-TA-42 Through 701-TA-50 (Final)]

Tomato Products From Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom; Withdrawal of Notice and Clarification of Publication Date of Final Determination

AGENCY: United States International Trade Commission.

ACTION: Withdrawal of duplicate notice of Commission negative final determination in Inv. Nos. 701-TA-42 through 701-TA-50 (Final) appearing on June 18, 1980 (45 FR 41245) and clarification of date of publication of negative final determination as June 25, 1980 (45 FR 42899).

EFFECTIVE DATE: July 7, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Bliss of the Office of the General Counsel (202) 523-0375.

SUPPLEMENTARY INFORMATION: On June 18, 1980 a notice of the Commission's negative final determination in Tomato Products from the European Community, Inv. Nos. 701-TA-50 (Final) was published in the **Federal Register.** On June 25, 1980, due to a clerical error, the same notice was again published in the **Federal Register.** To correct this error the Commission is withdrawing the first notice of the final determination which appeared on June 18, 1980 (45 FR 41245) and declares the second notice which appeared on June 25, 1980 (45 FR 42899) to be the official notice and publication date of the final determination in the instant investigations.

By order of the Commission.

Issued: July 8, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-21229 Filed 7-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-15 (Preliminary)]

Pipes and Tubes of Iron or Steel From Japan; Determination of the Commission After Reconsideration of Imports Provided for in Item 610.3205 of the Tariff Schedules of the United States Annotated (TSUSA)

AGENCY: United States International Trade Commission.

ACTION: On the basis of the corrected record [1] developed in investigation No. 731-TA-15 (Preliminary), the Commission determines,[2] pursuant to section 733 of the Tariff Act of 1930, that there is no reasonable indication that an industry in the United States is materially injured, or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Commissioners Moore and Bedell changed their affirmative votes of Apr. 9, 1980, with regard to item 610.3205 to negative votes on the basis of corrected import data. Chairman Alberger and Commissioner Stern voted in the negative with regard to item 610.3205 on Apr. 9, 1980, and the corrected data does not alter their original votes. Vice Chairman Calhoun voted affirmative on Apr. 9, 1980, and did not change his vote because the corrected data did not change his views.

importation from Japan of welded pipes of steel, provided for in item 610.3205 of the TSUSA, which are allegedly sold or likely to be sold at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Fry, Acting Director of Investigations, U.S. International Trade Commission (telephone 202 523-0242).

SUPPLEMENTARY INFORMATION: On February 28, 1980, the Commission and the Department of Commerce each received a petition from Babcock & Wilcox Co., Beaver Falls, Pa., alleging that the class or kind of merchandise described in the petition is being or is likely to be sold in the United States at less than fair value. The Commission instituted preliminary investigation No. 731-TA-15 under section 733(a) of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of welded pipes and tubes of iron or steel provided for in TSUSA item 610.3205 and seamless pipes and tubes of iron or steel, of circular cross section, provided for in TSUSA items 610.4600, 610.4920, 610.5210, 610.5215, or 610.5270.[1] The statute directed that the Commission make its determination within 45 days of its receipt of the petition, or in this case by April 14, 1980.

On April 9, 1980, the Commission determined on the basis of the record of its investigation (1) that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation from Japan of welded pipes of steel, provided for in TSUSA item 610.3205, which are allegedly sold or likely to be sold at less than fair value; and (2) that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the importation from Japan of seamless pipes and tubes of steel, of circular cross section, provided for in TSUSA items 610.4920, 610.5210, 610.5215, or 610.5270, which are allegedly sold or likely to be sold at less than fair value.

[1] On Mar. 18, 1980, the Department of Commerce issued its notice of institution of investigation with respect to the subject articles. However, Commerce did not initiate an investigation with respect to seamless pipes and tubes of iron or steel, of circular cross section, provided for in TSUSA item 610.4600. Thus, such articles were effectively excluded from the scope of the Commission's investigation, since there was no finding of sales at less than fair value on these articles.

On April 25, 1980, the Commission received a request that it reconsider its determination in investigation No. 731-TA-15 on the basis that the data concerning the imports under item 610.3205 appeared to be in error for the years 1977-79. In response to the request, the Commission contacted all the respondents to the Commission's importers' questionnaire in investigation No. 731-TA-15. All but one of those firms indicated that the data they reported had been checked and verified, and that any changes were insubstantial. The remaining firm made revisions in the data reported which changed the aggregate import data compiled for item 610.3205 substantially. The Commission's Office of Investigations audited the underlying import records of the firm reporting the substantial changes, and verified that the original data submitted were in error.

On June 16, 1980, the Commission ordered that its determination in investigation No. 731-TA-15 be reopened to reconsider the corrected import statistics concerning Japanese welded pipe classified under item 610.3205. On June 24, 1980, Commissioners Moore and Bedell changed their determination with regard to TSUSA item 610.3205 from an affirmative determination to a negative determination. The changing of these votes had the effect of changing the Commission's determination on TSUSA item 610.3205 from affirmative to negative.

Statement of Reasons of Commissioners Moore and Bedell

On the basis of corrected information made available to the Commission, we determine—

that there is no reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of welded pipes of steel, provided for in item 610.3205 of the Tariff Schedules of the United States Annotated (TSUSA), allegedly sold or likely to be sold at less than fair value.

On April 9, 1980, we found that the information supplied to the Commission in response to questionnaires indicated that "U.S. imports of the subject welded pipes from Japan had almost doubled from 1978 from their 1977 level, and in 1979, they were 68 percent higher than in 1977." (45 FR 27581, Apr. 23, 1980.) The questionnaire responses upon which these calculations were based were in error. The corrected data, which have been verified by the Commission's staff, indicate that imports of the subject pipes increased by 45 percent between 1977 and 1978 but were 3.5 percent lower in 1979 than in 1977. The substantial percentage increases from 1977 to 1979 upon which our affirmative determination was primarily based did not, in fact, exist, and we have changed our determination accordingly.

Views of Chairman Alberger

On the basis of the corrected record in this portion of the original investigation, I reaffirm my previous negative vote with respect to welded carbon steel boiler tubes. (45 FR 27583, Apr. 23, 1980.)

Views of Vice Chairman Michael Calhoun

I reaffirm my original vote in the preliminary case because the corrected data does not change my views (45 FR 27586, Apr. 23, 1980.)

Views of Commissioner Paula Stern

The corrected data now available on welded carbon steel boiler tubes only reinforces my original negative determination with respect to the industry in investigation No. 731-TA-15 (Preliminary). (45 FR 27584, Apr. 23, 1980.)

By order of the Commission.

Issued: July 7, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-21234 Filed 7-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Opportunity for Public Comment on Proposed Consent Order Agreement and Settlement Agreement

Notice is hereby given that the presiding officer in the aboe-captioned investigation has certified to the Commission for appropriate action a joint motion to terminate the investigation along with a consent order agreement signed by the Commission's investigative attorney, complainant Prodyne Enterprises, Inc. and respondent Albert E. Price, Inc. The investigation is being conducted pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). The motion was docketed as Motion 76-1. Provision is made for the filing of such motions and agreements in section 210.51(a) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(a)).

Background

This investigation began with a complaint filed by Prodyne Enterprises, Inc. on November 5, 1979, alleging

infringement of claim 7 of U.S. Letters Patent No. 3,766,817 by E. Mishan & Sons, Albert E. Price, Inc., Crest Industries Corporation, and Taiwan Timing Trading Company. Investigation No. 337-TA-76 was instituted on December 4, 1979, based on Prodyne's complaint. On March 21, 1980, the complainant and the Commission investigative attorney entered into a consent order agreement with respondent Albert E. Price, Inc., and moved for termination of the investigation as to respondent price based upon the consent order agreement and the settlement agreement entered into by Prodyne and Price.

Written comments requested

Copies of the proposed consent order agreement and settlement agreement are set forth below. Any interested member of the public is invited to submit written comments regarding this matter. Such comments should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, and should be received not later than August 15, 1980. The original and 19 true copies of all written submissions must be filed with the Secretary of the Commission. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request *in camera* treatment. Such request should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will iether accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's Office. The Commission has also requested comments from government agencies pursuant to 19 CFR Section 210.14(a)(2).

Additional Information

No public hearing fefore the Commission regarding this motion and agreement is contemplated at this time. The Commission will give consideration to requests for such a hearing if such requests are received not later than July 28, 1980.

Notice of institution of the investigation was published in the **Federal Register** of December 21, 1979 (44 FR 75733).

By order of the Commission.

Issued: July 10, 1980.

Kenneth R. Mason,

Secretary.

Consent Order Agreement

Complainant Prodyne Enterprises, Inc., having filed a Complaint; and

The United States International Trade Commission ("Commission") having instituted an investigation pursuant to Notices of Investigation; and

The respondent having appeared and denied the material allegations of the Complaint; and

The Commission having determined it has jurisdiction of the subject matter of this proceeding and the Commission having determined that the Complaint states a cause of action under Section 337 of the Tariff Act of 1930, 19 U.S.C. Section 1337 and all acts amendatory thereof and supplementary thereto; and

Before the making of any findings of fact or conclusions of law, and before the hearing or adjudication of any issue of fact or law herein, and the respondent having denied any violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. Section 1337 ("Section 337"), or as alleged in the Complaint, and all of the parties hereto having consented to the entry of this Consent Order Agreement;

It is hereby ordered that:

I

(Tariff Act of 1930)

The Commission has, and respondent concedes that the Commission has, jurisdiction of the subject matter of this investigation and over the respondent signatory hereto for the purposes of issuing and enforcing this Consent Order Agreement.

II

(Settlement Purposes Only)

This Consent Order Agreement is for settlement purposes only and does not constitute a determination by the Commission or an admission by respondent that the law has been violated as alleged in the Complaint or Notices of Investigation or otherwise.

III

(Applicability)

The provisions of this Consent Order Agreement shall apply to respondent and to its officers, directors, employees, controlled (whether by stock ownership or otherwise) and/or majority owned business entities, successors and assigns, and to each of them, and to all persons who receive actual notice of this Consent Order Agreement by service in accordance with Section V hereof.

IV

(Individual Conduct Prohibited)

Respondent shall not import, cause to be imported, purchase, sell, give, own or consign any imported device which infringes U.S. Patent No. 3,766,817 or any component thereof which constitutes a material part of the invention and is not a staple article or commodity of commerce; provided, however, nothing herein shall prohibit Respondent from selling or otherwise disposing of all imported devices presently in inventory, prior to October 15, 1980, the quantity of which has been disclosed to the Commission.

V

(Service of Consent Order Agreement)

Respondent is ordered and directed to serve, within thirty (30) days after the effective date of this Consent Order Agreement, a conformed copy of this Consent Order Agreement upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the marketing, distribution or sale of such respondent's products in the United States or for shipment or export to the United States for resale in the United States;

VI

(Modification)

This Consent Order Agreement constitutes a settlement and resolution of Investigation No. 337-TA-76 and the Complaint, and does not constitute a determination of any of the factual or legal issues raised in the proceeding or an admission that respondent has engaged in the conduct prohibited hereby, or an admission that said conduct violates Section 337. Any of the parties to this Consent Order Agreement may apply to the Commission at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Consent Order Agreement, for the amendment or modification of any of the provisions thereof, or for the enforcement or compliance therewith. In the event that U.S. Patent No. 3,766,817 is declared invalid or unenforceable by a final judgment or decree of the Commission or a Court of competent jurisdiction from which no appeal can be taken Section IV of this Consent Order Agreement shall thereafter be void and of no effect.

By Order of the Commission:

Kenneth R. Mason,

Secretary.

The above Order is Consented to:

For Complainant: Ketih D. Beecher, Esq., Jessup & Beecher, 2040 Avenue of the Stars, Los Angeles, California 90067, Tel. (213) 556–3178, *Counsel for Prodyne Enterprises Inc.*

For Respondent: Joel Goldhammer, Seidel, Gonda, Goldhammer & Panitch, 3 Penn Center Plaza, Philadelphia, Pennsylvania 19102, Tel. (215) 568–8383, *Counsel for Albert E. Price, Inc.*

For U.S. International Trade Commission, Commission Investigative Attorney: Donald R. Dinan, Esq., 701 E Street, N.W., Washington, D.C. 20436, Tel. (202) 523–0488.

Agreement

Agreement, made and entered into this 25th day of March 1980, by and between the following parties:

(a) Prodyne Enterprises, Inc., a California corporation, having a mailing address of Post Office Box 212, Montclair, California, 91763, (hereinafter "Prodyne"); and

(b) Albert E. Price, Inc., a New Jersey Corporation having a place of business at Interstate Industrial Park, Bellmawr, New Jersey, 08031 (hereinafter "AEP").

Whereas, Prodyne has instituted proceedings before the International Trade Commission alleging as a cause of action under 19 U.S.C. § 1337 as amended and supplemented, that AEP has engaged in unfair methods of competition or unfair acts by importing goods that infringe U.S. Patent No. 3,766,817, as more specifically set forth in the complaint, as amended, filed November 5, 1979 which forms a part of the matter captioned Investigation No. 337–TA–76, Certain Food Slicers and Components Thereof:

Whereas AEP has ceased importing and accused cheese boards with slicers, catalog numbers 9023 and 9024 illustrated in Exhibit 1 attached hereto and concurrently with this agreement has entered into an Agreement in settlement of the above identified Investigation; and

Whereas, the parties are desirous of compromising and settling all of the controversies which may exist between them in respect to the subject matter of the Investigation.

Now, therefore, for and in consideration of the foregoing premises and other good and valuable consideration, the receipt in sufficiency of which is hereby mutually acknowledged, and intending to be legally bound, Prodyneand AEP agree as follows:

1. AEP represents and warrants that it has ceased importing the cheese board slicers, catalog numbers 9023 and 9024 and has no intention of importing them in the future.

2. This agreement is made and entered into without any admission or inference of an admission that U.S. Patent No. 3,766,817 is valid or infringed or that AEP has committed any wrongful act or violated any law.

3. Prodyne releases and discharges AEP, together with its officers, directors, agents, purchasers, customers, successors and assigns from all causes of action and claims for damage that Prodyne may have against them arising out of or relating to infringement of U.S. Patent No. 3,766,816 and for unfair methods of competition and unfair acts arising out of the importation, use and sale of the cheese board slicers, catalog numbers 9023 and 9024, from the beginning of time until the date of this agreement, and as long as this agreement remains in enforce, agrees to take no action against AEP, its officers, directors, agents, purchasers, customers, successors and assigns by reason of any prior use or sale of said cheese board slicers, catalog numbers 9023 and 9024, which were imported into the United States prior to the date of this agreement. It is agreed and understood that AEP has said imported cheese board slicers in inventory, the quanity of which has been disclosed in confidence as part of the settlement of the Investigation, and that the aforesaid release and covenant not to sue is fully applicable to the ale of the inventory of cheese board slicers by AEP and to the resale by its customers.

4. Prodyne and AEP agree that this Agreement shall be binding upon and inure to benefit of Prodyne and AEP, their respective officers, directors, agents, successors and assigns, and all persons acting by, through, under or in active concert or participation with them.

5. This agreement shall be considered as a contract made by and under the laws of the State of New Jersey.

Executed by the parties hereto, effective the date first above written.

Prodyne Enterprises, Inc.

James L. Davis.

Attest:

Christopher J. McArdle.

Albert E. Price, Inc.

Jack Chirlin.

Attest:

Jack Hirlin,

Secretary.

[FR Doc. 80–21228 Filed 7–15–80; 8:45 am]

BILLING CODE 7020–02–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Federal Procurement Policy Concerning Energy Conservation Supplement

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy (OFPP).

ACTION: Supplement No. 1 to OFPP Policy Letter No. 76–1

SUMMARY: OFPP Policy Letter No. 76–1 was issued August 8, 1976 to implement Section 381(a)(1) of the Energy Policy and Conservation Act. This provision of the Act requires the President to promote energy conservation and efficiency through procurement policies and decisions of the Federal Government. In turn, regulations were issued by the General Services Administration and the Department of Defense making the requirement a mandatory standard with respect to both advertised and negotiated procurements and underlying documents such as purchase requests.

The purpose of this Supplement is to reemphasize the Federal procurement policy concerning energy conservation. Due to the continuing increase in energy costs, both as a percentage of the life cycle costs of facilities, equipment, and systems and total dollar expenditures, the Supplement requires that energy conservation as it relates to acquisition decisions be made a matter of management emphasis throughout the executive branch.

FOR FURTHER INFORMATION CONTACT: Mr. Conroy B. Johnson, Deputy Associate Administrator for Regulatory Policies and Pratices, 202–395–6166

Karen Hastie Williams,

Administrator.

July 2, 1980.

Policy Letter No. 76–1.

Supplement No. 1.

To the heads of Executive Departments and Establishments.

Subject: Federal Procurement Policy Concerning Energy Conservation.

Public Law 94–163, the Energy Policy and Conservation Act, was enacted December 22, 1975. Section 38.1(a)(1) thereof requires the President to promote energy conservation and efficiency through procurement policies and decisions of the Federal Government. Under the authority vested in the Administrator for Federal Procurement Policy by Public Law 93–400, OFPP Policy Letter No. 76–1 (copy attached) was issued August 8, 1976 extending this requirement to the Executive Departments and Establishments. In turn, the General Services Administration and the Department of Defense issued implementing regulations making the

requirements a mandatory standard with respect to both advertised and negotiated procurements and underlying procurement and property management documents, such as purchase requests. The applicable regulatory coverage is set forth in the following regulations: Federal Procurement Regulations 1–1.339–1, Defense Acquisition Regulation 1–339, Federal Property Management Regulation 41 CFR Chapter 101, Subchapter E, Part 101–25.

The continuing increase in energy costs, both as a percentage of the life cycle costs of facilities, equipment, and systems and total dollar expenditures, dictates that energy conservation, as it relates to acquisition decisions, be made a matter for management emphasis throughout the Executive Branch. As initial steps, (1) I specifically want this Policy Letter and the regulations cited above to be brought to the attention of those personnel involved in acquisition decisions, and (2) I want to reemphasize the need to conform to both the spirit and intent of these directives.

There are numerous acquisition-related energy conservation opportunities that the Government can pursue in carrying out its day-to-day activities. For example: (1) where energy costs constitute a major portion of the life cycle cost of a product, the energy-efficiency of competing products should be considered in deciding which product to procure; (2) existing heating and air conditioning systems in Government buildings can be made more energy-efficient through the addition of energy-saving components or the replacement of inefficient systems; (3) rail and water transportation systems generally consume less energy in terms of the payload hauled and may represent a practicable alternative to other, less energy-efficient, forms of transportation; and (4) products made with recycled materials, which generally require less energy to produce, frequently are adequate for the Government's needs. In addition to making good economic sense, Federal energy-saving strategies can also serve as examples for State and local governments, businesses and the general public.

Innovations aimed at energy conservation are resulting in many new products and the redesign of existing products to make them more energy-efficient. In this vein, the joint development of better product and system standards by Government and the private sector—standards specifically designed to aid in the conservation of energy—should result from implementation of OMB Circular A–119, Federal Participation in the Development and Use of Voluntary Standards.

In managing our personal affairs, we have taken steps to cope with escalating energy costs and shortages. We must be equally vigilant where the public interest and tax dollars are involved. We do not have to settle for products which are less energy-efficient, due to either the lack of familiarity with new products which are more energy-efficient, or to outmoded Federal specifications. The policy on Acquisition and Distribution Commercial Products (ADCoP) (See 45 FR 9267—Federal Property Management Regulations Temporary Regulation E–69–41 CFR Ch. 101), together with life cycle cost considerations, provides a positive means for the Government to take advantage of energy-saving innovations.

The obligation to think and practice energy conservation in shaping acquisition decisions does not rest solely with the contracting function. Rather, this obligation begins with those responsible for levying acquisition requests upon contracting officers. The people who generate such requests are obligated to pursue vigorously energy conservation opportunities and be receptive to the use of acquisition strategies tailored to ensure that energy conservation and efficiency are given due consideration in the procurement process.

Many energy conservation measures have been initiated by the Congress and the President confirming their determination to eliminate the Nation's dependence on foreign energy sources. With respect to Federal procurement policy, I am equally determined to take whatever measures are necessary to ensure that our acquisition programs promote energy conservation. In this regard, if there are conflicting policies, regulations, or procedures which effectively preclude or hamper the acquisition of energy-efficient products or services, they should be made known to me so they can be changed. Also, if we need to strengthen existing policies regulations or procedures to ensure procurement of energy-efficient products and services, this also will be done.

I wish to be advised within 90 days of the steps taken or planned by your agency to emphasize and ensure compliance with the spirit and intent of this Policy Letter and implementing regulations I will disseminate for your consideration those responses which demonstrate the kinds of imaginative and creative thinking required to maximize the potential contribution Federal acquisition decisions can make to the Nation's energy conservation efforts.

This Policy Letter Supplement has been concurred in by the Director of OMB.

Karen Hastie Williams,

Administrator.

[FR Doc. 80–21226 Filed 7–15–80; 8:45 am]

BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Docket No. MC76–5]

Basic Mail Classification Reform Schedule, 1976

July 9, 1980.

Take notice that pursuant to the Presiding Officer's Notice Scheduling Hearing, dated July 8, 1980, the next conference in Docket No. MC76–5 will be held on August 27, 1980, at 9:30 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Washington, D.C. 20268.

Copies of the Presiding Officer's Notice are available to all interested parties in the Commission's Docket Room at the above-listed address, or by calling the Docket Room at Area Code 202–254–3800.

David F. Harris,

Secretary.

[FR Doc. 80–21244 Filed 7–15–80 8:45 am]

BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 10, 1980.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Safeguard Business Systems, Inc., Common Stock, $.10 Par Value (File No. 7–5677]

This security is listed and registered on one or more other national securities exchanges.

Interested persons are invited to submit on or before August 1, 1980 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–21237 Filed 7–15–80; 8:45 am]

BILLING CODE 8010–01–M

(Release No. 16972; File No. SR–MSE–80–10)

Extension of Statutory Time Period for Commission Consideration of Proposed Rule Change of Midwest Stock Exchange, Inc.

July 9, 1980.

The Midwest Stock Exchange, Inc. ("MSE") submitted on May 19, 1980, a

proposed rule change under Section 19(b)(1) of the Securities Exchange Act ("Act") and the rules thereunder, which, among other things, would delete from Article XXXIV, Rule 17 of the MSE Rules, the prohibition on registered market makers receiving exempt credit for transactions effected in other markets. Notice of the filing of the proposed rule change was given by the issuance of a Commission release and by publication in the **Federal Register.**[1]

The Commission has determined that it is necessary and appropriate to provide additional time for Commission consideration of the proposed rule change in that the proposed rule change raises complex questions concerning market maker obligations under the Act, including whether the proposed rule change is consistent with Regulations T (12 CFR Part 220) and U (12 CFR Part 221) promulgated by the Federal Reserve Board.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, hereby extends until September 2, 1980, the time period within which the Commission must either approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-21239 Filed 7-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16976; SR-MSE-80-5]

Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 10, 1980.

On May 2, 1980, the Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would amend the MSE Constitution, Article XXX, Rule 15 and Rule 16 of the Rules and Practices for Trading on the MSE to extend the time periods within which claims for reports must be made concerning the terms of trades executed on the Midwest Stock Exchange. In unusual circumstances, the MSE Committee on Floor Procedure would rule on the disposition of liability.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16857, May 29, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6(b)(5) which requires exchange rules to promote just and equitable principles of trade and foster cooperation and coordination among persons trading on the exchange.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-21240 Filed 7-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21653; 70-5543]

New England Electric System and New England Energy, Inc.; Proposed Increased Budget for Oil and Gas Exploration and Development Activities

July 9, 1980.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its fuel subsidiary New England Energy Incorporated ("NEEI"), 25 Research Drive, Westborough, Massachusetts 01581, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 43 and 45(a) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement concerning the proposed transaction.

By order dated October 30, 1974 (HCAR No. 18635), NEES was authorized to organize NEEI, acquire its capital stock and make investments (including subordinated notes) in NEEI of up to $20,250,000 through July 31, 1976, and NEEI was authorized to enter into a partnership agreement ("Agreement") with Samedan Oil Corporation ("Samedan"), a wholly owned subsidiary of Noble Affiliates, Inc., to explore for oil and gas in the continental United States (both onshore and offshore). NEEI was at that time authorized to invest a maximum of $10,000,000 in that partnership through July 31, 1976. By order dated June 18, 1976 (HCAR No. 19580), NEES was authorized to increase its investment in NEEI to $45,000,000 through December 31, 1979, with NEEI to use such investments to finance its procurement and inventory activities and to finance fuel exploration and development activities with Samedan and/or other parties. By order dated July 19a, 1978 (HCAR No. 20632), NEEI was authorized to make sales of fuel oil to New England Power Company ("NEP"), an affiliate, pursuant to a fuel purchase contract on terms and conditions therein set forth. By order dated December 29, 1979 (HCAR No. 21365), NEEI was authorized (1) to enter an amendment to the Agreement, which amendment extended the term of the Agreement through December 31, 1984, and (2) to invest in the partnership with Samedan a maximum amount of $30,000,000 for exploration, development or any other purpose from January 1, 1980, through December 31, 1980.

By post-effective amendment applicants-declarants request that the maximum amount NEEI may invest in its partnership with Samedan for oil and gas exploration, development, or any other purpose from January 1, 1980, through December 31, 1980, be increased to $60,000,000. It is stated that on the basis of the projected exploration activities of Samedan (which is the managing partner and has responsibility for evaluation and selection of new prospects for exploration) for the calendar Year 1980, NEEI now estimates that its share of partnership expenses for exploration purposes alone will require capital contributions by NEEI to the partnership of approximately $33,000,000. It is further stated that NEEI now estimates its share of development expenses for the calendar year 1980 will be approximately $27,000,000, such amount representing an increase over earlier estimates due to additional expenses of developing several new prospects, revised plans for developing a large prospect and general inflation.

There are no additional fees or expenses to be incurred in connection with the proposed transaction. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

[1] Securities Exchange Act Release No. 16845 (May 27, 1980); 45 FR 37788 (June 4, 1980).

Notice is further given that any interested person may, not later than August 6, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, be certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-21241 Filed 7-15-80; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 9, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

United Canso Oil & Gas Ltd., Common Stock, $1 Par Value (File No. 7-5669)

Dietrich Exploration Company, Common Stock, $.01 Par Value (File No. 7-5670)*[1]

Pancoastal, Inc., Capital Stock, $.14 Par Value (File No. 7-5671)*

Texas Oil & Gas Corporation, Common Stock, $.50 Par Value (File No. 7-5672)

Mohawk Rubber Company, Common Stock, $1 Par Value (File No. 7-5673)

Hudson Bay Mining & Smelting Co., Ltd., Common Stock, No Par Value (File No. 7-5674)

Bow Valley Industries Ltd., Common Stock, No Par Value (File No. 7-5675)

Westburne International Industries, Ltd., Common Stock, No Par Value (File No. 7-5676)

These securities are listed and registered on one or more other national securities exchanges.[2]

Interested persons are invited to submit on or before July 30, 1980 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-21238 Filed 7-15-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Sundance Gold Mining & Exploration, Inc.; Order of Suspension

July 9, 1980.

It appearing to the Securities and Exchange Commission that questions have been raised about the adequacy and accuracy of publicly disseminated information about joint ventures in which Sundance Gold Mining & Exploration, Inc. ("Sundance") is a participant and the recent unusual and unexplained market activity in the securities of Sundance, the Commission is of the opinion that the public interest and the protection of investors require the summary suspension of trading in the securities of Sundance.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading of such securities will be effective at 9:30 a.m. on July 9, 1980 and terminating at midnight on July 18, 1980.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-21236 Filed 7-15-80; 8:45 am]

BILLING CODE 8010-01-M

[1] Asterisks indicate last sale information concerning these stocks is not reported in the consolidated transaction reporting system.

[2] United Canso Oil and Gas Ltd. is currently listed and registered on the Boston Stock Exchange and the Pacific Stock Exchange. Pending before the Commission is an application to withdraw said stock from listing and registration on these exchanges.

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 01/01-0306]

Maine Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C 661 *et seq.*), has been filed by Maine Capital Corporation (Applicant), One Memorial Circle, Augusta, Maine 04330, with the Small Business Administration, pursuant to 13 CFR 107.102 (1980).

The proposed officers, directors and institutional shareholders are as follows:

Philip W. Hussey, Jr., president and director, River Locke Road, Kennebunk, Maine 04043.

William C. Bullock, Jr., vice president and director, 56 W. Broadway, Bangor, Maine 04401.

Kenneth H. Volk, treasurer and director, 64 Fall Lane, Portland, Maine 04103.

Richard A. Morrell, secretary and director, 2 Breckan Road, Brunswick, Maine 04011.

Russell W. Brace, director, 39 Spruce Street, Rockport, Maine 04856.

Matthew J. Burns, director, Crescent Surf, Kennebunk, Maine 04043.

John Tierman, director, 53 Hillside, Presque Isle, Maine 04769.

Dr. Arthur M. Johnson, director, 20 Fourth Street, Bangor, Maine.

Lloyd D. Brace, general manager, Readfield Road, Winthrop, Maine 04364.

Androscoggin Savings Bank, Lewiston, Maine.

Bangor Savings Bank, Bangor, Maine.

Casco Bank & Trust Company, Portland, Maine.

Central Maine Power Company, Augusta, Maine.

Depositors Trust Company of Aroostock, Augusta, Maine.

Depositors Trust Company (of Augusta), Augusta, Maine.

Depositors Trust Company of Eastern Maine, Augusta, Maine.

Depositors Trust Company of Southern Maine, Augusta, Maine.

First Consumers Savings Bank, Augusta, Maine.

Franklin Savings Bank, Farmington, Maine.

Hannaford Service Corporation, South Portland, Maine.

Maine National Bank, Portland, Maine.

Maine Savings Bank, Portland, Maine.

Merrill Bankshares Company, Bangor, Maine.

Ocean National Bank, Kennebunk, Maine.
Portland Savings Bank, Portland, Maine.
George C. Shaw Company, Scarborough, Maine.
Unionmutual Charitable Foundation, Portland, Maine.
Guy Gannett Publishing Company, Portland, Maine.
Gorham Savings Bank, Gorham, Maine.
Skowhegan Savings Bank, Skowhegan, Maine.
Heritage Savings Bank, Rockland, Maine.
Norway Savings Bank, Norway, Maine.
York County Savings Bank, Biddeford, Maine.
New England Merchants National Bank, Boston, Massachusetts.

The Applicant intends to enter into a Service Contract with the Maine Development Foundation.

The Applicant which is privately owned, was authorized pursuant to enabling legislation passed in 1977 by the 108th Maine Legislature which has now been codified as Title 18, Chapter 108 of the Maine Revised Statutes. The Applicant was established for the purpose of making equity investments in new and expanding Maine businesses. The Applicant will make investments solely in business firms in Maine, in accordance with restrictions in the enabling statute. Under the enabling statute no person, firm or corporation may own or hold directly or indirectly more than 10 percent of the common stock of the Applicant at any time. The Applicant will begin operations with Paid-in Capital and Paid-in Surplus of $1,000,000.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than July 31, 1980, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Augusta, Maine.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 9, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-21148 Filed 7-15-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5257]

Omege Delta Investment Company, Inc.; Issuance of a License to Operate as a Small Business Investment Company

On February 8, 1980, a notice was published in the **Federal Register** (45 FR 8784) stating that Omega Delta Investment Company, Inc., 2340 Irving Street, Suite 105, San Francisco, California 94122, has filed an application with the Small Business Administration, pursuant to § >107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.).

Interested persons were given until the close of business on February 25, 1980, to submit written comments on the applications to the SBA.

Notice is hereby given that no written comments were received and, having considered the application and all other pertinent information, the SBA approved the issuance of License No. 09/09-5257 on June 6, 1980, to Omega Delta Investment Company, Inc. pursuant to Section 301(d) of the Act.

(Catalog of Federal Dometic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 10, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-21220 Filed 7-15-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5256]

Positive Enterprises, Inc.; Issuance of a License to Operate as a Small Business Investment Company

On February 8, 1980, a notice was published in the **Federal Register** (45 FR 8785) stating that Positive Enterprises, Inc., 399 Arguello, San Francisco, California 94118, had filed an application with the Small Business Administration, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.).

Interested persons were given until the close of business on February 25, 1980, to submit written comments on the application to the SBA.

Notice is hereby given that no written comments were received and, having considered the application and all other pertinent information, the SBA approved the issuance of License No. 09/09-5256 on June 6, 1980, to Positive Enterprises, Inc. pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 9, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-21218 Filed 7-15-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 10/10-0166]

Seafirst Capital Corp; Issuance of a License to Operate as a Small Investment Company

On December 27, 1978, a notice was published in the **Federal Register** (43 FR 60363) stating that Seafirst Capital Corporation, Securities Building, Third Avenue and Stewart Street, Seattle, Washinton, 98101, had filed an application with the Small Business Admininstration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978) for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.).

Interested persons were given until the close of business on January 11, 1979, to submit written comments on the applications to the SBA.

Notice is hereby given that no written comments were received and, having considered the application and all other pertinent information, the SBA approved the issuance of License No. 10/10-0166 on June 18, 1980, to Seafirst Capital Corporation pursuant to Section 301(c) of the Act.

(Catalog of Federal Domestic Assistance Program No, 59.011, Small Business Investment Companies.)

Dated: July 10, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-21221 Filed 7-15-80; 8:45 am]

BILLING CODE 8025-01-M

(License No. 09/09-5258)

Sun Capital Corp.; Issuance of a License to Operate as a Small Business Investment Company

On April 7, 1980, a notice was published in the **Federal Register** (45 FR 23572) stating that Sun Capital Corporation, 3360 Geary Boulevard, Suite 304, San Francisco, California 94118, had filed an application with the Small Business Administration, pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company under the provisions of § 107.301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.).

Interested persons were given until the close of business on April 22, 1980, to submit written comments on the application to the SBA.

Notice is hereby given that no written comments were received and, having considered the application and all other pertinent information, the SBA approved the issuance of License No. 09/09-5258 on June 6, 1980, to Sun Capital Corporation pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 10, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-21219 Filed 7-15-80; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Extension of the Orderly Marketing Agreements Regarding Color Television Receivers and Subassemblies Thereof From Taiwan and the Republic of Korea; Letter to the Commissioner of Customs

Paragraph (7) of Presidential Proclamation No. 4969 of June 30, 1980, authorized the Commissioner of Customs to take those actions which the Trade Representative detemines are necessary to carry out the orderly marketing agreements regarding color television receivers and subassemblies thereof from Taiwan and the Republic of Korea.

The following letter was sent to the Commissioner of Customs requesting that imports of certain items in the Tariff Schedules of the United States be monitored and that reports be supplied to the Trade Representative.

Reubin O'D Askew,

United States Trade Representative.

The United States Trade Representative,
Washington, D.C., July 2, 1980.
The Honorable Robert E. Chasen,
Commission of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Orderly Marketing Agreements have been initialled between the Government of Korea and the Government of the United States of America and the American Institute in Taiwan and the Coordinating Council for North American Affairs which will restrain the volume of Korean and Taiwanese color television exports to the United States. In accordance with Presidential Proclamation, dated June 30, extending import relief, it is requested that you take the actions described as follows:

1. Monitor all complete and incomplete color television receivers and subassemblies thereof, entered or withdrawn from warehouse on or after July 1, 1980 and through June 30, 1982, which are classified under any of the following items of the Tariff Schedules of the United States Annotated (TSUSA), as amended effective July 1, 1980: TSUSA 685.1127 through 685.1144, 685.1458 and 685.1460, and 685.1564 (copy of amended TSUSA is attached). The monitoring shall be by TSUSA item and by country of origin.

2. Monitoring reports shall be provided to this Office on a monthly basis. These reports shall contain information on quantity of imports by TSUSA item and country of origin.

3. The aggregate quantity of merchandise from Korea in the TSUSA items 6851127 through 685.1144, 685.1458 and 685.1460, permitted to be entered or withdrawn from warehouse on or after July 1, 1980, and exported on or after July 1, 1980, with the appropriate certification, shall be limited to 385,000 units for the first year covered by the agreement and 575,000 units for the second year. The aggregate quantity of merchandise from Taiwan in the TSUSA items 685.1127 through 685.1144, 685.1458 and 685.1460, permitted to be entered or withdrawn from warehouse on or after July 1, 1980, and exported on or after July 1, 1980, with the appropriate certification, shall be limited to 400,000 units for the first year covered by the agreement and 425,000 units for the second year.

4. The importation of a single product classified within the TSUSA items described in paragraph 1 above and for the personal use of the importer shall not be monitored or subject to the limitations contained in paragraph 3, above.

5. A monthly press release shall be issued showing, for those TSUSA items in paragraph 1 above, the quantity of imports from each of the following: Canada, Japan, Mexico, Taiwan, Republic of Korea, Singapore, and other countries of origin. Appropriate totals and subtotals should be provided.

This letter will be published in the **Federal Register.**

Sincerely,
Reubin O'D. Askew

[FR Doc. 80-21143 Filed 7-15-80; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Availability of Application Packages for 1981 Tax Counseling for the Elderly Program

AGENCY: Internal Revenue Service, Treasury.

ACTION: Availability of application packages.

SUMMARY: This document provides notice of the availability of application packages for the 1981 Tax Counseling for the Elderly program.

DATES: Application packages are available from IRS at this time. The deadline for submitting an application package to the IRS for the 1981 Tax Counseling for the Elderly program is August 15, 1980.

ADDRESS: Application packages may be requested by contacting: Internal Revenue Service, Tax Counseling for the Elderly Program, Taxpayer Service Division TX:T:I, 1111 Constitution Avenue, N.W., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Michael J. Chovonec of the Taxpayer Service Division, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 2024, (202) 566-4904, not a toll-free call.

SUPPLEMENTARY INFORMATION: Authority for the Tax Counseling for the Elderly program is contained in Section 163 of the Revenue Act of 1978 (92 Stat. 2810). Regulations were published in the **Federal Register** at (44 FR 72113) on December 13, 1979. Section 163 gives the Internal Revenue Service authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Sponsoring agencies and organizations may receive reimbursement for administrative expenses of the program and volunteers may receive reimbursement for expenses incurred in training and in providing tax return assistance. Cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Applications are being solicited before

1981 program funds have been appropriated by Congress and cooperative agreements will not be entered into unless and until funds are appropriated.

Walter M. Alt,

Acting Director, Taxpayer Service Division.

[FR Doc. 80-21214 Filed 7-15-80; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 4 (Rev. 11)]

Delegation of Authority to Issue Summons, Administer Oaths and Certify and to Perform other Functions

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: This delegation order is revised to authorize GS–5 and above Revenue Representatives to serve any properly issued summons and to receive and examine information presented, as set forth in the test of the delegation order which appears below.

EFFECTIVE DATE: July 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Fulton, Internal Revenue Service, 111 Constitution Avenue, NW., Room 7533, Washington, D.C. 20224.

This document does not meet the criteria for significant regulations set forth in paragrpah 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

J.R. Starkey

Director, Collection Division.

[Order No. 4 (Rev. 11)]

Date of issue: July 11, 1980.
Effective Date: July 11, 1980.

Authority To Issue Summonses, To Administer Oaths and Certify, and To Perform Other Functions

1(a) The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602–1(b), 301.7603–1, 301.7604–1 and 301.7605–1(a) and the authorities contained in Section 7609 of the Internal Revenue Code of 1954 and vested in the Commissioner of Internal Revenue Service by Treasury Department Order No. 150–37, dated March 17, 1955, to issue summonses; to set the time and place for appearance; to serve summonses; to take testimony under oath of the person summoned; to receive and examine books, papers, records or summones, to apply for court orders approving the service of John Doe Summonses issued under Section 7609(f) of the Internal Revenue Code; and to apply for court orders suspending the notice requirements in the case of summonses issued under Section 7609(g) of the Internal Revenue Code, are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 1(b), 1(c), and 1(d) of this Order and subject to the limitations stated in paragraphs 1(b), 1(c), 1(d), and 6 of this Order.

(b) The authorities to issue summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order, are delegated to all District Directors, athe Director of International Operations, and the following officers and employees, provided that the authority to issue a summons in which the proper named or names of the taxpayer or taxpayers is not identified because unknown or unidentifiable (hereinafter called a "John Doe" summons) may be exercised only by said officers and employees and by them only after obtaining preissuance legal review by Regional Counsel, Deputy Regional Counsel (General Litigation) or District Counsel, or the Director, General Litigation Division in the case of Inspection.

(1) Inspection: Assistant Commissioner and Director, Internal Security Division.

(2) District Criminal Investigation: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(3) International Operations: Chiefs of Divisions.

(4) District Collection Activity: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(5) District Examination: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(6) District Employee Plans and Exempt Organizations: Chief of Division.

(c) The authorities to issue summonses except "John Doe" summonses, and to perform other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees:

(1) Inspection: Regional Inspectors and Assistant Regional Inspectors (Internal Security) and Chief, Investigations Branch.

(2) District Criminal Investigation: Assistant Chief of Division; Chiefs of Branches; and Group Managers.

(3) International Operations: Assistant Director; Chiefs of Branches; Case Managers; and Group Managers.

(4) District Collection Activity: Assistant Chief of Division; Chiefs of Collection Section; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Chiefs Technical and Office Compliance Branches and Groups and Group Managers.

(5) District Examination: Chiefs of Branches, Case Managers, Group Managers and, in streamlined districts Chiefs, Examination Section.

(6) District Employee Plans and Exempt Organizations: Group Managers.

(d) The authority to issue summonses except "John Doe" summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order is delegated to the following officers and employees except that in the instance of a summons to a third party witness, the issuing officer's case manager, group manager, or any supervisory official above that level, has in advance personally authorized the issuance of the summons. Such authorization shall be manifested by the signature of the authorizing officer on the face of the original and all copies of the summons or by a statement on the face of the original and all copies of the summons, signed by the issuing officer, that he/she had prior authorization to issue said summons and stating the name and title of the authorizing official and the date of authorization.

(1) International Operations: Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Special Agents; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers, GS–9 and above.

(2) District Criminal Investigation: Special Agents.

(3) District Collection: Revenue Officers, GS–9 and above.

(4) District Examination: Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(5) District Employee Plans and Exempt Organizations: Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(e) Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order may serve a summons whether it is issued by him/her or another official.

(f) Revenue Representatives, GS–5 and above, and Revenue Officers, who are assigned to the District Collection Activity and to International Operations may serve any summons issued by the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order.

2. Each of the officers and employees referred to in paragraphs 1(b), 1(c), and 1(d) of this Order authorized to issue summonses, is delegated the authority under 26 CFR 301.7602–1(b) to designate any other officer or employee of the Internal Revenue Service referred to in paragraph 4(b) of this Order, as the

individual before whom a person summoned pursuant to Section 7602 of the Internal Revenue Code shall appear. Any such other officer or employee of the Internal Revenue Service when so designated in a summons is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with the summons.

3. Internal Security Inspectors are delegated the authority under 26 CFR 301.7603–1 to serve summonses issued in acordance with this Order by any of the officers and employees of the Inspection Service referred to in paragraphs 1(b)(1) and 1(c)(1) of this Order even though Internal Security Inspectors do not have the authority to issue summonses.

4(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602–1(a), and 301.7605–1(a) to examine books, papers, records or other data, to take testimony under oath and to set the time and place of examination are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 4(b), 4(c), and 4(d) of this Order and subject to the limitations stated in paragraphs 4(c) and 6 of this Order.

(b) General Designations

(1) Inspection: Assistant Commissioner; Director, Internal Security Division; Director, Internal Audit Division; Regional Inspectors; Internal Auditors; and Internal Security Inspectors.

(2) District Criminal Investigation: Chief and Assistant Chief of Division; Chiefs of Branches; Group Managers; and Special Agents.

(3) International Operations: Director, Assistant Director; Chief of Divisions and Branches; Special Agents; Case Managers; Group Managers, Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers.

(4) District Collection Activity: Chiefs and Assistant Chiefs of Division; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Chiefs, Technical and Office Compliance Branches; Chiefs, Colleciton Section; Chiefs, Technical and Office Compliance Branches and Groups; Group Managers and Revenue Officers.

(5) District Examination: Chiefs of Division; Chiefs of Examination Sections; Chiefs of Examination Branches; Case Managers; Group Managers; Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Examiners.

(6) District Employee Plans and Exempt Organization: Chief of Division; Chief, Examination Branch; Chief, Technical Staff; Group Managers; Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(7) Service Center: Chief Compliance, Compliance Division; Chief, Examination Branch; Chief, Collection Branch, Chief, Criminal Investigation Branch, Revenue Agents; Tax Auditors; Tax Examiners in the correspondence examination funciton and Special Agents.

(c) District Directors, Service Center Directors, Regional Inspectors the Chief of Investigation Branch, and the Director of International Operations may redelegate the authority under 4(a) of this Order to Law Clerks (Estate Tax), aides or trainees, respectively, for the position of Revenue Agent, Tax Auditor, Tax Examiner in the Service Center Correspondence and Processing function, Tax Law Specialists, Revenue Officer, Internal Auditor, Internal Security Inspector, Attorney (Estate Tax) and Special Agent, provided that each such Law Clerk (Estate Tax), aide or trainee shall exercise said authority only the direct supervision, respectively, as applicable of a Revenue Agent, Tax Auditor, Tax Examiner in the Service Center Correspondence and Processing function, Tax Law Specialist, Revenue Officer, Special Agent, Internal Auditory or Internal Security Inspector or Attorney (Estate Tax).

(d) District Directors may redelegae the authority under 4(a) of this Order to Revenue Representatives and Office Collection Representatives.

5. Under the authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7622–1, the officers and employees of the Internal Revenue Service referred to in paragraphs 1(b), 19c), 1(d), and 4(b) and 4(c) of this Order are designated to administer oaths and affirmations and to certify to such papers as may be necessary under the internal revenue laws and regulations *except* that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. Revenue Representatives and Office Collection Representatives referred to in paragraph 4(d) of this Order are not designated to administer oaths or to perform the other mentioned in this paragraph, excpet that Revenue Representatives, GS–5 and above, are authorized to certify the method and manner of service, and the method and manner of giving notice, when performing the funcitons and duties contained in paragraph 1(f) of this order.

6. The authority delegated herein may not be redelegated except as provided in paragraphs 4(c) and 4(d).

7. This Order supersedes Delegation Order No. 4 (Rev. 10), issued February 1, 1980.

Jerome Kurtz,

Commissioner.

[FR Doc. 80–21213 Filed 7–15–80; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

208-Bed Domiciliary Veterans Administration Medical Center, Bath, N.Y.; Planned Action

The Veterans Administration plans to construct a 208-bed domicilary at the Veterans Administration Medical Center (VAMC), Bath, New York. The domiciliary will consist of two, two-story bedroom units and a one-story support unit with a total net square footage of 93,362.

The VA has determined that this project is a critical action as defined by E.O. 11988. As such, it should be outside the 500 year floodplain. However, the 500 year floodplain has not been established at the project location. The VA has consulted with the Corps of Engineers, Baltimore District and the Federal Emergency Management Agency, Regional Director for Federal Insurance and Hazard Mitigation in defining the known limits of the 500 year floodplain and determining the probable flood hazard and impact of the planned project on the floodplain. Available information indicates that there is a possibility that the project site is near the limit of the 500 year floodplain. However, if the project does fall within the floodplain, it is estimated that it will not adversely affect the floodplain. As part of the floodplain management program of the facility, consideration has been given to protection of life and property during major floods. The potential for flooding will be considered in the design of the building. The planned project is construction of the new domiciliary on the site of the existing domiciliary (building 26) which is to be demolished between Gettysburg Avenue and the Conhocton River. It is planned to have a first floor elevation of 1127 feet above mean sea level. Ground level will be raised approximately one foot in the area 100 feet from the river channel up to the building. This would not have a significant impact on floodwaters and may not even be within the 500 year floodplain. Functionally, the building must be connected to the adjacent Recreation and Theater building No. 92 and the other existing

domicilary building No. 34. Since other locations are functionally impractical, it was decided to site the building in the planned location and consider flood hazard mitigation in the design.

In view of the above mentioned planning actions it is the conclusion of the VA that there will be no significant increase in the elevation of flood waters due to this project.

The VA is soliciting comments from State and local levels. As required, this is the second notice following the first notice published in March. This Notice of Planned Action is in compliance with the announcement requirements of Executive Order 11988, Floodplain Management Guidelines (February 1978).

Comments on this action should be postmarked no later than 15 days following this notice and should be addressed to: Mr. William A. Salmond, Acting Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

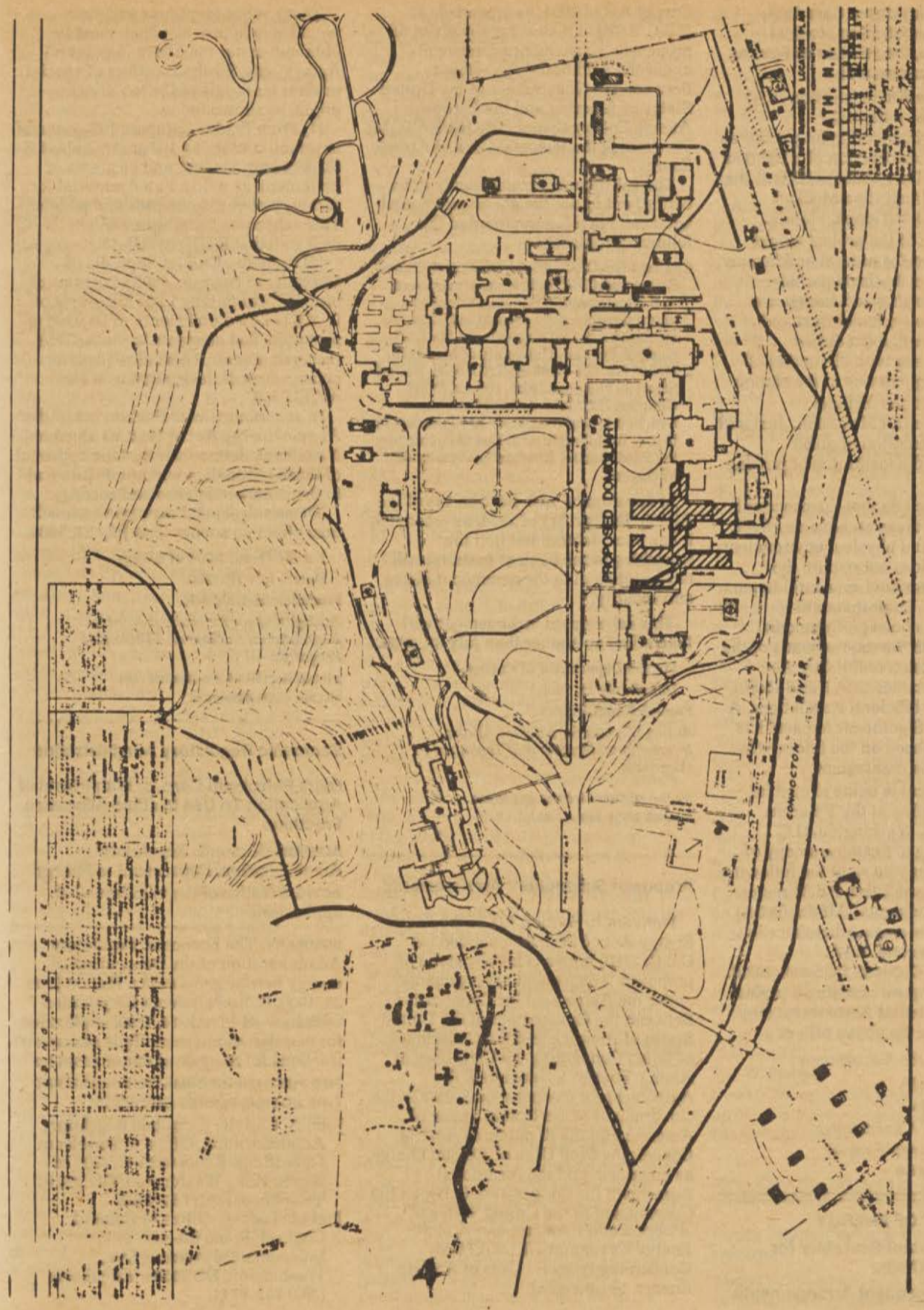
Dated: July 7, 1980.

By direction of the Administrator.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

BILLING CODE 8320-01-M



[FR Doc. 80-21181 Filed 7-15-80; 8:45 am]
BILLING CODE 8320-01-C

120-Bed Nursing Home Care Unit, Veterans Administration Medical Center, Tampa, Fla.; Notice of Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impact that may occur as a result of the construction of a 120-Bed Nursing Home Care Unit (NHCU) at the Veterans Administration Medical Center (VAMC) at Tampa, Florida.

Development of the project would have impacts on the natural and human environments as it affects parking, erosion, landscaping and energy use. Construction noise, fumes dust and visual impacts will exist during construction along with disruption of existing parking patterns at the station.

Mitigating actions include: landscaping, control of erosion, dust and fumes, implementation of noise measures, and the institution of parking controls.

Findings conclude that the proposed action will not cause an adverse effect on the human and physical environment and therefore does not require the preparation of an Environmental Impact Statement. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E. Director, Office of Environmental Affairs (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

By direction of the Administrator:

Dated: July 7, 1980.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

[FR Doc. 80–21180 Filed 7–15–80; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangments" 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.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following contracts:

Contract No. DE–SC05–80–LEU–0507, United States and CERCA, France, provision of 32.6 kilograms of Uranium, enriched to approximately 19.79 percent in U–235, for fabrication of fuel elements for the Ford Nuclear Reactor, University of Michigan.

Contract No. DE–SC05–80–LEU–0506, United States to Nukem, Gmbh, Hanau, West Germany, 27.1 kilograms of Uranium, enriched to approximately 19.79 percent in U–235, for fabrication of fuel elements for the Ford Nuclear Reactor, University of Michigan.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 31, 1980.

For the Department of Energy.

Dated: July 11, 1980.

Frederick McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80–21256 Filed 7–15–80; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning the Civil Uses of Atomic Energy, as amended, the Agreement for Cooperation Between the Government of the United States of America and the Republic of Austria Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

These subsequent arrangements would give approval, which must be obtained under the above mentioned Agreements, for the transfers of special nuclear materials of United States origin, as shown below:

(1) From France to Japan, 188 grams of uranium, containing 127 grams of U–235 (67.55% enrichment), and 46 grams of plutonium, as unirradiated material for recovery of contained pins and pellets. This subsequent arrangement is designated at RTD/JA(EU)–18.

(2) From the Federal Republic of Germany to Austria, 3.965 kilograms of uranium, containing 1.800 kilograms of U–235 (45.4% enrichment), to be used as prototype fuel elements in the ASTRA research reactor. This subsequent arrangement is designated as RTD/AT(EU)–56.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of these retransfers will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than July 31, 1980.

For the Department of Energy.

Dated: July 10, 1980.

Frederick McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80–21254 Filed 7–15–80; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Delta Petroleum Corp.'s; Withdrawal of Application To Use Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of the withdrawal of application.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that on June 23, 1980, Delta Petroleum Corporation withdrew its March 14, 1980, application for permission to use multiple allocation fractions for the sale of motor gasoline.

FOR FURTHER INFORMATION REGARDING THIS NOTICE, PLEASE CONTACT:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 6222–C, 2000 M Street, NW., Washington, DC 20461; Telephone: (202) 653–3431.

Joel M. Yudson, Office of General Counsel, Room 6A–127, 1000 Independence Avenue, SW., Washington, DC 20585; Telephone: (202) 252–6744.

Issued in Washington, D.C., on the 10th day of July 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-21204 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-01-M

Oil California Exploration; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 27, 1980. Comments by: August 14, 1980.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Franscisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, California 94105. [phone] (415) 764-7041.

SUPPLEMENTARY INFORMATION: On June 27, 1980, the Office of Enforcement of the ERA executed a Consent Order with Oil California Exploration of Bakersfield, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upn its execution.

I. The Consent Order

Oil California Exploration ("Oil California") with its home office located in Bakersfield, California, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Oil California, the Office of Enforcement, ERA, and Oil California entered into a Consent Order, the significant terms of which are as follows:

1. During the period January 1, 1974 through December 31, 1976, Oil California sold crude oil produced from the Ashurst B Leased.

2. Oil California sold crude oil produced from the Ashurst B Lease at stripper well prices during the period January 1, 1974 through December 31, 1976. The Office of Enforcement contends that the Ashurst B Lease did not qualify for the stripper exemption during the period January 1, 1974 through December 31, 1976. Sales from the lease were subject to the ceiling price rule of 10 CFR 212.73 applying to first sales of domestic crude oil.

3. Oil California agreed to the Consent Order without admitting that it had violated the Mandatory Petroleum Price Regulations.

4. The refund by Oil California is to be made at the option of Oil California in cash or in three equal annual installments, due June 1, 1981, June 1, 1982 and June 1, 1983.

5. The provisions of 10 CFR 205.199J, including publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, Oil California agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising-out of the transactions specified in I.1. above, the sum fo $145,369.20 either in cash or in three equal annual installments due June 1, 1981, June 1, 1982, and June 1, 1983. Interest on the unpaid refund balance accrues at the rate of 15.39% per annum. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7041. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Oil California Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on

You should identify any information or data which, in our opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, CA on the 7th day of July, 1980.

Lon W. Smith

District Manager of Enforcement.

[FR Doc. 80-21207 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52416-6120-22, 23-22; Docket No. ERA-FC-80-001]

Puget Sound Power & Light Co.; Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of public hearing.

SUMMARY: On October 2, 1979, Puget Sound Power & Light Company [Puget Sound] petitioned the Economic Regulatory Administration [ERA] of the Department of Energy for two permanent peakload powerplant exemptions from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* [FUA or the Act], which prohibit the use of petroleum or natural gas in new powerplants. Additional information was required and revised petitions were submitted on December 4, 1979. Puget Sound plans to install two 81,000 KW oil- and gas-fired combustion turbine units [Whitehorn Generating Station Units 2 and 3] and certifies that each of these units will be operated solely as peakload powerplants to meet peakload requirements for the life of the plants. ERA accepted the petitions on January 22, 1980, and published notice of its acceptance in the **Federal Register** on January 31, 1980 [45 FR 6896]. Publication of the notice of acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended March 17, 1980. Comments on Puget Sound's petitions were received from over 50 interested persons, including various commercial and industrial firms, educational institutions, municipalities, the Washington Utilities and Transportation Commission, and the Washington State Energy Office on behalf of the Governor of the State of Washington. Requests for a public hearing to be held in Seattle or the State of Washington on Puget Sound's petitions were received from the Oil Heat Institute of Washington [OHIW]; the Northwest Towboat Association; the Washington Contract Loggers Association; the Washington State Grange; the Washington Dump Truck Association; and the Washington Log Truckers Conference.

ERA published a Notice of public hearing and availability of Tentative Staff Determination in the **Federal Register** on June 11, 1980 [45 FR 39534].

The Tentative Staff Determination recommends that ERA issue an order granting the permanent peakload powerplant exemptions to Puget Sound for the Whitehorn units. A copy of this Tentative Staff Determination is available from the Office of Public Information at the address listed below.

DOE's Office of Environment has determined that granting the requested permanent exemptions would not be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* Therefore, no environmental impact statement or environmental assessment is required.

In the June 11, 1980 **Federal Register** notice, ERA invited those interested persons who had made a request to participate in the public hearing to attend a pre-hearing conference. On June 30, 1980 in Seattle, Washington, those persons and other interested parties attended the pre-hearing conference and made oral statements which were placed in the record of this proceeding. In addition, the presiding officer established a service list.

Public Hearing: The public hearing on Puget Sound's petitions and ERA's Tentative Staff Determination will be held on August 18, 1980, in Seattle, Washington, at the 4th floor auditorium, Federal Building, 915 Second Avenue, beginning at 9:00 a.m. Interested persons who wish to participate in the hearing should submit a request to the presiding officer, Lawrence Gollomp, c/o FUA Public Hearing Staff, Economic Regulatory Administration, Case Control Unit [FUA], Box 4629, Room 3114A, 2000 M Street, N.W., Washington, D.C. 20461. Pursuant to Section 501.33 of the regulations implementing FUA, the request must be in writing, signed, and include a description of the person's interest in the issue or issues involved and an outline of the anticipated content of his presentation. Requests to participate in the public hearing should be received by ERA no later than August 8, 1980. At the public hearing, ERA will provide any interested person an opportunity to present oral or written data, views and arguments on the petition for exemption. In addition, interested persons will be given an opportunity to question other interested persons who make oral presentations, employees and contractors of the United States who have made written or oral presentations or who have participated in the consideration of the Puget Sound petitions and experts and consultants who have provided information to any person who makes an oral presentation and which is contained in or referred to in such presentation. ERA encourages persons who wish to question Government witnesses to submit their questions at least ten [10] days in advance of the hearing to the presiding officer.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, [202] 653-4055.

Kathy Ewing, FUA Public Hearings Staff, Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3114A, 2000 M Street, N.W., Washington, D.C. 20461, [202] 653-3675.

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6G-087, Washington, D.C. 20585, [202] 252-2967.

SUPPLEMENTARY INFORMATION: Puget Sound Power & Light Company [Puget Sound] plans to install two 81,000 KW oil- and gas-fired combustion turbine units to be called Whitehorn Generating Station Units 2 and 3 [Whitehorn 2 and 3] at its Whitehorn generating station in Whatcom County, Washington. Based upon estimates by Puget Sound for the 1980-1990 period, each of the proposed units is expected to consume the energy equivalent of approximately 210,000 barrels of oil per year [575 bbl/day]. Whitehorn 2 and 3 are scheduled to begin commercial operation in the fall of 1980.

The Economic Regulatory Administration [ERA] published interim rules on May 15, 1979, and May 17, 1979 [44 FR 28530 and 44 FR 28950, respectively] to implement provisions of Title II of the Act. FUA prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted.

On October 2, 1979, Puget Sound petitioned ERA for two permanent peakload powerplant exemptions from the prohibitions of the Act to use oil and gas in each of the proposed units. ERA required the submission of additional information and revised petitions were submitted by Puget Sound on December 4, 1979.

On April 1, 1980, Puget Sound requested that ERA permit the construction of the proposed units to commence on April 16, 1980. ERA denied the request on April 16, 1980, advising Puget Sound that, until such time as the exemption requests were acted upon by ERA, Puget Sound must comply with the construction prohibition contained in section 201[2] of FUA.

On April 1, 1980, ERA made a formal request for additional information from Puget Sound which had previously been requested in the course of information discussions held on March 12, 1980. Puget Sound subsequently supplied this information on May 1, 1980. On April 7, 1980, OHIW requested copies of such information and requested that the

public comment period be reopened to allow submission of additional comments on Puget Sound's petitions, as supplemented. OHIW asserted that "failure to reopen the comment period to allow public comment on this new information will result in an unfair limitation on the public's opportunity to place responsive material on the record prior to issuance of the tentative staff determination." ERA agrees that OHIW and other interested persons should have an opportunity to review and comment on the additional information requested by ERA and furnished by Puget Sound. However, ERA did not agree that such review and comment was necessary before a Tentative Staff Determination was issued. OHIW and other interested persons were invited to furnish additional comments on any point prior to the close of the public hearing record.

Terms and Conditions

Section 214[a] of the Act provides that any exemption from any prohibition shall be on such terms and conditions as are appropriate. Based upon information submitted by Puget Sound, the Tentative Staff Determination recommends that any order granting the requested peakload powerplant exemptions should be on the following conditions:

A. Puget Sound shall not produce more than 121,500,000 Kwh during any 12-month period with either of the proposed units.

B. Puget Sound shall comply with the reporting requirements set forth in 10 CFR 503.41[e].

C. Whenever petroleum is used in the proposed powerplants, Puget Sound shall use the lowest grade petroleum technically possible and available consistent with environmental requirements.

D. Any order granting an exemption shall not take effect earlier than the 60th calendar day after publication of the order in the **Federal Register.**

Issued in Washington, D.C., July 11, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-21255 Filed 7-14-80; 11:24 am]

BILLING CODE 6450-01-M

Vallecitos Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 27, 1980. Comments by: August 14, 1980.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, California 94105. [phone] (415) 764-7041.

SUPPLEMENTARY INFORMATION: On June 27, 1980, the Office of Enforcement of the ERA executed a Consent Order with Vallecitos of Bakersfield, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Vallecitos Oil Company ("Vallecitos") with its home office located at Bakersfield, California, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Vallecitos, the Office of Enforcement, ERA, and Vallecitos entered into a Consent Order, the significant terms of which are as follows:

1. During the period November 16, 1973 through December 31, 1975, Vallecitos sold crude oil produced from the F & I Lease.

2. Vallecitos certified the F & I lease as a stripper well property from and after November 16, 1973. The Office of Enforcement contends that the F & I Lease did not qualify for the stripper exemption for any period prior to January 1, 1976. Sales from the lease were subject to the ceiling price rule of 10 CFR 212.73 applying to first sales of domestic crude oil.

3. Vallecitos agreed to the Consent Order without admitting that it had violated the Mandatory Petroleum Price Regulations.

4. The refund by Vallecitos is to be made at the option of Vallecitos, either in cash or in three equal annual installments, due June 1, 1981, June 1, 1982 and June 1, 1983.

5. The provisions of 10 CFR 205.199J, including publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, Vallecitos agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $268,072.08 either in cash or in three equal annual installments due June 1, 1981, June 1, 1982, and June 1, 1983. Interest on the unpaid balance accrues at the rate of 15.39 percent per annum. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refunded amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written

notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7041. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Vallecitos Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 15, 1980.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, Calif., on the 7th day of July, 1980.

Lon W. Smith,

District Manager of Enforcement.

[FR Doc. 80-21208 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Vol. 224]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued June 24, 1980.

The Federal Energy Regulatory Commission received notices of determinations from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

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 by July 31, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

COLORADO OIL & GAS CONSERVATION COMMISSION

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
AMOCO PRODUCTION CO					RECEIVED: 06/04/80 JA: CO		
8038399	80-156	0512309779	105		CARL ADLER GAS UNIT B #2	100.4	PANHANDLE EASTERN PIPE LINE CO
8038391	80-110	0512307743	108		GEORGE MATUSHIMA UNIT #1	15.0	PANHANDLE EASTERN PIPE LINE CO
8038398	80-151	0512309777	103		GORDON P MEICHEL WELL #2	182.5	PANHANDLE EASTERN PIPE LINE CO
8038394	80-169	0512307744	108		GOTTLIEB GABEL UNIT #1	21.9	PANHANDLE EASTERN PIPE LINE CO
8038405	80-146	0512309650	103		JULIUS A PLOSS UNIT WELL #1	5.1	CRYSTAL OIL CO
8038402	80-168	0512309780	105		LAURA A SANCHEZ G U #2	173.4	PANHANDLE EASTERN PIPE LINE CO
8038400	80-152	0512309778	105		MARGARET EICHTHALER B #2	91.3	PANHANDLE EASTERN PIPE LINE CO
8038389	79-851	0512307245	108		PHILIP ARTESI #1	18.6	PANHANDLE EASTERN PIPE LINE CO
8038388	80-115	0512307351	108		PRYMACK GAS UNIT #1	20.4	COLORADO INTERSTATE GAS CO
8038390	80-112	0512308242	108		RAYMOND M PRESTON GAS UNIT #1	7.3	PANHANDLE EASTERN PIPE LINE CO
8038396	80-170	0512308383	108		ROBERT A HOUTCHENS #1	9.0	PANHANDLE EASTERN PIPE LINE CO
8038401	80-157	0512308470	103		ROY MOSER B #2	69.0	PANHANDLE EASTERN PIPE LINE CO
8038395	80-171	0500107201	108		STATE OF COLORADO AE #2	10.7	PANHANDLE EASTERN PIPE LINE CO
8038404	80-147	0500107317	103		UPRR 23 PAN AM B #2	180.0	PANHANDLE EASTERN PIPE LINE CO
8038403	80-149	0500107351	103		UPRR 23 PAN AM D #3	240.0	PANHANDLE EASTERN PIPE LINE CO
8038397	80-150	0512309625	103		UPRR 62 PAN AM G WELL #2	140.0	PANHANDLE EASTERN PIPE LINE CO
8038434	80-167	0512307278	108		UPRR 66 AMOCO #1	7.0	PANHANDLE EASTERN PIPE LINE CO
ANTELOPE PRODUCTION CO					RECEIVED: 06/04/80 JA: CO		
8038428	80-176	0512305787	102		NELSON RANCHES INC NO 1	36.0	
8038427	80-177	0512309554	102		NELSON RANCHES INC NO 2	36.0	
BEAVER MESA EXPLORATION CO					RECEIVED: 06/04/80 JA: CO		
8038393	79-501	0512306470	103		KLEIN #32-8	50.0	CRYSTAL GAS RESOURCES INC
BYRON OIL INDUSTRIES INC					RECEIVED: 06/04/80 JA: CO		
8038411	80-162	0500107527	103		BYRON MARK MCELMAIN #10	3.3	NORTHERN NATURAL GAS CO
8038409	80-160	0500107485	103		BYRON-BREDEHOFT ET AL UNIT #1	17.7	NORTHERN NATURAL GAS CO
8038413	80-161	0500107526	103		BYRON-MARK MCELMAIN #9	3.3	NORTHERN NATURAL GAS CO
8038412	80-159	0500107464	103		JOHNSON ET AL UNIT #1	4.2	NORTHERN NATURAL GAS CO
CHAMPLIN PETROLEUM COMPANY					RECEIVED: 06/04/80 JA: CO		
8038429	80-103	0500107506	102		#1 HUKR 32-17	273.0	VESSELS GAS PROCESSING CO
8038431	80-55	0500107446	102		GORGES #1 41-19	55.0	VESSELS GAS PROCESSING CO
EMPIRE DRILLING CO					RECEIVED: 06/04/80 JA: CO		
8038430	80-5	0500107393	102		HILTON #1	400.0	VESSELS GAS PROCESSING CO
ENERGY MINERALS CORPORATION					RECEIVED: 06/04/80 JA: CO		
8038407	80-67	0512309881	102		KENT #1	64.0	CRYSTAL GAS RESOURCES INC
J R DRILLING & EXPLORATION CO INC					RECEIVED: 06/04/80 JA: CO		
8038406	80-84	0512309801	102		WHITTENBURG #4	0.0	CRYSTAL GAS RESOURCES INC
LADD PETROLEUM CORPORATION					RECEIVED: 06/04/80 JA: CO		

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038425	79-671	0506706246	103		BEASTON #3-31	20.0	SOUTHERN UNION GATHERING CO
8038423	79-669	0506706265	103		COX CANYON #2-10	20.0	EL PASO NATURAL GAS CO
8038422	79-668	0506706247	103		MIR #4-31	20.0	SOUTHERN UNION GATHERING CO
8038424	79-670	0506706266	103		TIFFANY E 2-17	20.0	EL PASO NATURAL GAS CO
*8038426	80-85	0506706282	103		TIFFANY 3-12	378.6	WESTERN SLOPE GAS CO
LYNCO OIL CORP				RECEIVED: 06/04/80	JA: CO		
8038417	79-803	0506706287	103		FLORIDA #1	150.0	NORTHWEST PIPELINE CORP
LYNCO OIL CORPORATION				RECEIVED: 06/04/80	JA: CO		
8038419	79-773	0506706289	103		INDIAN SPRINGS #2 MV	60.0	NORTHWEST PIPELINE CORP
8038420	79-772	0506706289	103		INDIAN SPRINGS #2 PC	90.0	NORTHWEST PIPELINE CORP
8038432	79-771	0506706292	103		JACQUEZ #2	60.0	NORTHWEST PIPELINE CORP
8038421	79-770	0506706290	103		LA PUSTA #5	100.0	NORTHWEST PIPELINE CORP
8038414	79-769	0506706231	103		LA PUSTA CANYON #3	20.0	NORTHWEST PIPELINE CORP
8038433	79-783	0506706291	103		LA PUSTA CANYON #4	30.0	NORTHWEST PIPELINE CORP
MOBIL OIL CORP				RECEIVED: 06/04/80	JA: CO		
8038392	80-54	0507050210	102		PAGODA UNIT #T33-34P	180.0	
MORAN EXPLORATION INC				RECEIVED: 06/04/80	JA: CO		
8038410	80-131	0500900000	108		HOLT #1	12.8	COLORADO INTERSTATE GAS CO
NORTHWEST PIPELINE CORPORATION				RECEIVED: 06/04/80	JA: CO		
8038416	80-119	0506706250	103		BONDAD 33-9 UNIT #19A	73.0	NORTHWEST PIPELINE CORP
SAMSON OIL COMPANY				RECEIVED: 06/04/80	JA: CO		
8038387	80-129	0500906237	103		ELLIS 1-1	140.0	PANHANDLE EASTERN PIPELINE CO
8038415	80-128	0500906198	103		MOORE G 1-24	40.0	NUECES CO
TEXAS OIL & GAS CORP				RECEIVED: 06/04/80	JA: CO		
8038408	80-135	0500906248	102		BULLENBECK #1	150.0	NUECES CO
8038418	80-130	0500906251	103		FRAZEE #1	150.0	NUECES CO
KANSAS CORPORATION COMMISSION							
AMOCO PRODUCTION CO				RECEIVED: 06/04/80	JA: KS		
8038466	K-79-1881	1503320001	108		BALLET RANCH B #7	21.0	CITIES SERVICE GAS CO
8038467	K-79-1879	1509300000	108		MORRIS GAS UNIT #1	21.0	CITIES SERVICE GAS CO
ANADARKO PRODUCTION COMPANY				RECEIVED: 06/04/80	JA: KS		
8038456	K-79-1953	1518920444	102		YOUNGGREN B-2	219.0	CIMARRON-QUINQUE
BENSON MINERAL GROUP				RECEIVED: 06/04/80	JA: KS		
8038460	K-79-1950	1503522048	102		BURN #1-11	48.9	COLONIAL CORP
8038461	K-79-1949	1503522015	102		ELAM #1-11	179.9	COLONIAL CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038475	K-79-1944	1503522089	102		ELAM #2-11	29,2	COLONIAL CORPORATION
8038449	K-79-1827	1512720102	108		FUSON #2-21 TWIN	5,1	MAPCO INC
8038471	K-791948	1503522084	102		HALLMAN #1-1	54,8	COLONIAL CORP
8038477	K-79-1943	1503522085	102		HALLMAN #2-1	159,1	COLONIAL CORP
8038473	K-79-1946	1503522049	102		JOHNSON #1-12	189,1	COLONIAL CORP
8038472	K-79-1947	1503522088	102		JOHNSON #3-12	105,9	COLONIAL CORP
8038451	K-79-1821	1512720293	108		LANDON #1-19	5,8	MAPCO INC
8038453	K-79-1819	1512720297	108		LANDON #1-29	9,5	MAPCO INC
8038450	K-79-1824	1512700000	108		LANDON #17	5,8	MAPCO INC
8038452	K-79-1820	1512720296	108		LANDON #2-29	9,5	MAPCO INC
8038474	K-79-1945	1503522052	102		MCCOLLUM #2-14	321,2	COLONIAL CORP
8038457	K-79-1952	1503522017	102		RUSSELL #1-23	3,4	COLONIAL CORP
8038459	K-79-1951	1503522093	102		RUSSELL #2-23	50,0	COLONIAL CORP
8038445	K-79-1848	1512720174	108		VANIER #1-12	7,7	MAPCO INC
8038447	K-79-1835	1512720225	108		VANIER #2-12	7,7	MAPCO INC
8038446	K-79-1846	1512720194	108		VANIER #4-13	7,7	MAPCO INC
8038448	K-79-1834	1512720244	108		VANIER #7-13	7,7	MAPCO INC
CHAMPLIN PETROLEUM COMPANY					RECEIVED: 06/04/80 JA: KS		
8038465	K-79-1883	1505520360	103		BIFHN #2	440,0	KANSAS-NEBRASKA NATURAL GAS CO INC
DOME PETROLEUM CORP					RECEIVED: 06/04/80 JA: KS		
8038440	K-79-1868	1507520100	108		EATON TRUST #1	18,0	SUNFLOWER ELECTRIC COOPERATIVE
8038441	K-79-1867	1507520268	103		GRILLIOTT #3	148,9	SUNFLOWER ELECTRIC COOPERATIVE
8038443	K-79-1864	1507520298	103		OVERTON #1	106,2	SUNFLOWER ELECTRIC COOPERATIVE
8038442	K-79-1865	1507520290	103		WOOD #5	192,0	SUNFLOWER ELECTRIC COOPERATIVE
ENERGY RESERVES GROUP INC					RECEIVED: 06/04/80 JA: KS		
8038470	K-79-1897	1507900000	108		DARNES RANCH #1	2,7	KANSAS POWER & LIGHT CO
8038469	K-79-1898	1509520616	108		JOE TJADEN G #2	6,1	KANSAS POWER & LIGHT CO
F & M OIL CO INC					RECEIVED: 06/03/80 JA: KS		
8036884	K-79-1892	1514520525	103		JONES #1	24,1	CENTRAL STATES GAS CO
8036883	K-79-1890	1514520852	103		WILES #1	72,0	CENTRAL STATES GAS CO
IMPERIAL OIL COMPANY					RECEIVED: 06/04/80 JA: KS		
8038458	K-79-1967	1504720264	108		RUENBAUGH #2-34	2,2	KANSAS-NEBRASKA NATURAL GAS CO INC
KAN-GO INC					RECEIVED: 06/04/80 JA: KS		
8038444	K-79-1859	1511520480	108		HAAS #1	9,9	CLOVER PIPELINE CORP
LARRY THOMPSON					RECEIVED: 06/04/80 JA: KS		
8038476	K-79-1968	1512920385	103		THOMPSON #1	45,0	COLORADO INTERSTATE GAS CO
MAURICE L BROWN CO					RECEIVED: 06/04/80 JA: KS		
8038454	K-79-1956	1509720552	103		BOOTH #1	146,0	KANSAS GAS SUPPLY CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038455	K-79-1955	1509720571	103		CURTIS UNRUH #3	73,0	KANSAS GAS SUPPLY CORP
PETROLEUM CORPORATION OF TEXAS					RECEIVED: 06/04/80 JA: KS		
8038462	K-79-1910	1505500000	108		T E MILLER #1	18,0	KANSAS-NEBRASKA NATURAL GAS CO INC
PETROLEUM ENTERPRISES					RECEIVED: 06/04/80 JA: KS		
8038468	K-79-1812	1503522144	102		HITTLE B NO 1	18,3	COLONIAL CORP
R L BURNS CORP					RECEIVED: 06/04/80 JA: KS		
*8038464	K-79-1884	1511520300	108		STRODA NO 1	14,4	CLOVER PIPELINE CORP
*8038463	K-79-1885	1511520333	108		STRODA NO 2	14,4	CLOVER PIPELINE CORP
OKLAHOMA CORPORATION COMMISSION							
ANADARKO PRODUCTION COMPANY					RECEIVED: 06/06/80 JA: OK		
8038489	00407	3500700000	108		ALLEN B NO 1	13,0	PANHANDLE EASTERN PIPELINE CO
8038486	04016	3513921119	103		CLAWSON A NO 1	60,0	PANHANDLE EASTERN PIPE LINE CO
8038490	04017	3513921113	103		WEBB B NO 1	200,0	PANHANDLE EASTERN PIPELINE CO
ANDOVER OIL COMPANY					RECEIVED: 06/06/80 JA: OK		
8038536	04058	3501720916	103		ALFADALE FARMS #2-1	18,0	DELHI GAS PIPELINE CORP
8038539	04047	3501721127	102		LOTTIE JONES #33-1	18,0	DELHI GAS PIPELINE CORP
ARKLA EXPLORATION COMPANY					RECEIVED: 06/06/80 JA: OK		
8038535	03830	3501520668	102		THOMASON #1	69,0	ARKANSAS LOUISIANA GAS CO
COBRA OIL AND GAS CORPORATION					RECEIVED: 06/06/80 JA: OK		
8038520	03816	3505920608	103		RUTLEDGE #1	200,0	DELHI GAS PIPELINE CORP
COTTON PETROLEUM CORPORATION					RECEIVED: 06/06/80 JA: OK		
8038485	03153	3501520761	102		SHOOK A NO 1	730,0	MICHIGAN-WISCONSIN PIPELINE CO
DAVIS OIL COMPANY					RECEIVED: 06/06/80 JA: OK		
8038533	04023	3501520752	103		KLINGMAN NO 1	60,0	PIONEER GAS PRODUCTS CO
8038487	04012	3503920173	103		ROWLAND NO 1	300,0	ONG WESTERN INC
DONALD C SLAWSON					RECEIVED: 06/06/80 JA: OK		
8038528	04027	3501720683	102		BROGDEN C #1	26,0	CITIES SERVICE GAS CO
8038541	02396	3501721083	102		ERICKSON B UNIT #1	14,0	CITIES SERVICE GAS
ENNEX PRODUCTION COMPANY					RECEIVED: 06/06/80 JA: OK		
8038523	03990	3504320948	103		MOSTELLER #1	200,0	MOBIL OIL CORP
MADSON PETROLEUM CORP					RECEIVED: 06/06/80 JA: OK		

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038517	04038	3507720167	103		EASTERN OKLA STATE COLLEGE #1-8	474.5	ARKANSAS LOUISIANA GAS CO
J M HUBER CORPORATION					RECEIVED: 06/06/80 JA: OK		
8038538	01126	3504721352	103		LOVELL NO 5	54.7	UNION TEXAS PETROLEUM
LINDLEY-HUMSON OIL CO					RECEIVED: 06/06/80 JA: OK		
8038525	04018	3510900000	108		BRADFORD NO 1	9.2	SUN OIL CO
8038526	04019	3510900000	108		CANADA NO 1	9.4	SUN GAS CO
MACKELLAR INC					RECEIVED: 06/06/80 JA: OK		
8038500		3508300164	108		STONER #1	6.5	CHAMPLIN PETROLEUM CO
MOBIL OIL CORP					RECEIVED: 06/06/80 JA: OK		
8038495	02606	3504500000	108		POWERS UNIT (WESSELY) #1	17.5	MICHIGAN-WISCONSIN P/L CO
MRT EXPLORATION COMPANY					RECEIVED: 06/06/80 JA: OK		
8038537	03525	3500920179	102		D L SANDERS UNIT NO 1	21.6	MISSISSIPPI RIVER TRANS CORP
OIL ENTERPRISES INC					RECEIVED: 06/06/80 JA: OK		
8038497	05786	3504700000	108		KOKOJAN #1	0.0	EXXON CO USA
OKLAHOMA PETROLEUM MANAGEMENT CORP					RECEIVED: 06/06/80 JA: OK		
8038524	03991	3508120807	103		KUCERA #1	109.5	COLORADO GAS COMPRESSION INC
PETROLEUM CORPORATION OF TEXAS					RECEIVED: 06/06/80 JA: OK		
8038496	04056	3513900000	108		OSCAR BROWN UNIT NO 1	6.0	KANSAS-NEBRASKA NATURAL GAS CO INC
QUANAH COMPANY					RECEIVED: 06/06/80 JA: OK		
8038521	03827	3501721150	103		SHOOK-BOYD #1	250.0	PHILLIPS PETROLEUM CO
READING & BATES PETROLEUM CO					RECEIVED: 06/06/80 JA: OK		
8038530	04030	3501120978	103		BRANSON #1-5	12.0	MICHIGAN-WISCONSIN PIPE LINE CO
8038502	04032	3503920289	103		CARMAN #1	1700.0	MICHIGAN WISCONSIN PIPE LINE CO
8038529	04031	3501120979	103		PLUMMER #1	12.0	MICHIGAN WISCONSIN PIPE LINE CO
SAMSON RESOURCES COMPANY					RECEIVED: 06/06/80 JA: OK		
*8038488	03546	3501520828	102		SHOOK NO 2	425.0	OKLAHOMA GAS AND ELECTRIC CO
SERVICE DRILLING CO					RECEIVED: 06/06/80 JA: OK		
8038532	04021	3513120866	103		FRASIER #3	60.0	DIAMOND S GAS SYSTEMS INC
8038531	03700	3506120268	102		JOHNSON #2-17	40.0	DELHI GAS PIPELINE CO
*8003850	02970	3506120262	102		SATTERFIELD #2-18	730.0	TENNESSEE GAS PIPELINE CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	UEN	WELL NAME	PROD	PURCHASER
SHEBESTER INC					RECEIVED: 06/06/80 JA: OK		
8038491	02127	3504900000	102		AKERS NO 1	281.0	OKLAHOMA NATURAL GAS CO
8038492	02128	3504900000	102		STEFFAN NO 1	115.0	OKLAHOMA NATURAL GAS CO
SOUTHLAND ROYALTY CO					RECEIVED: 06/06/80 JA: OK		
8038518	04049	3515120937	103		BLACKMON #1-28	135.0	PANHANDLE EASTERN PIPE LINE CO
8038478	03937	3509521570	102		ENGLAND #1-17	125.0	MICHIGAN WISCONSIN PIPELINE CO
SOUTHPORT EXPLORATION INC					RECEIVED: 06/06/80 JA: OK		
*8038479	04046	3505120688	103		SABINE ROYALTY CORP ET AL NO 1	37.0	OKLAHOMA NATURAL GAS CO
SUN OIL COMPANY (DELAWARE)					RECEIVED: 06/06/80 JA: OK		
*8038534	04035	3507500000	108		HONEGGER NO 1	4.0	EXXON CORP
TEXACO INC					RECEIVED: 06/06/80 JA: OK		
8038513	02723	3504930170	108		A J HINKLE NO 1	3.0	WARREN PETROLEUM CO
8038494	02783	3504730460	108		A J MUKOVEC NO 1	16.0	EXXON CO USA
8038510	02820	3513730787	108		A N MARLEY NO 2	0.6	AMINOIL USA INC
8038508	02781	3504730463	108		C A CREWS NO 1	10.0	EXXON CO USA
8038484	02785	3504730294	108		C GUNGOLL B NO 1	10.0	EXXON CO USA
8038482	02797	3509336065	108		E GILDEMEISTER NO 1	10.0	UNION TEXAS PETROLEUM
8038516	02782	3504730554	108		E MUKOVEC NO 1	6.0	EXXON CO USA
8038483	02795	3509330093	108		EBERHART-FOSTER UNIT NO 1	12.0	UNION TEXAS PETROLEUM
8038498	02780	3504730487	108		ECKHARDT B NO 1	13.0	EXXON CO USA
8038493	02784	3504730538	108		EDITH FELBER NO 1	5.0	EXXON CO USA
8038507	02779	3504700263	108		EMMA FURSA NO 1	5.0	EXXON CO USA
8038509	02807	3501920197	108		F C CARR NO 5	1.0	MOBIL OIL CORP
8038512	02722	3513760020	108		H HARRELL A NCT-1 NO 1	11.0	AMINOIL USA INC
8038514	02724	3508735458	108		HOWARD C NO 1	2.0	WARREN PETROLEUM CO
8038511	02719	3513700000	108		J C GRAHAM NO 2	0.5	AMINOIL USA INC
8038503	02720	3513700000	108		J C GRAHAM NO 4	0.5	AMINOIL USA INC
8038499	02816	3501905194	108		JULIA A MORRIS C NO 1	2.0	AMINOIL USA INC
8038481	02764	3507350304	108		LINCOLN NORTH UNIT TR 26 NO 1	5.0	EXXON CO USA
8038504	02768	3507300180	108		LINCOLN NORTH UNIT TR 27 NO 1	5.0	EXXON CO USA
8038480	02759	3507330162	108		LINCOLN NORTH UNIT TR 5 NO 1	10.0	EXXON CO USA
8038519	02747	3507330264	108		LINCOLN NORTH UNIT TR 69 NO 2	6.0	EXXON CO USA
8038505	02775	3504700000	108		N REMLING NO 1	1.0	EXXON CO USA
8038515	02725	3505120297	108		PAZOURECK NO 1	6.0	MOBIL OIL CORP
8038506	02776	3504730490	108		ROSE PRIBEL NO 1	4.0	EXXON CO USA
UNION OIL COMPANY OF CALIF					RECEIVED: 06/06/80 JA: OK		
*8038527	07037	3500920303	107		ELLIS #2-35	1460.0	UNG WESTERN INC
VULCAN ENERGY CORP					RECEIVED: 06/06/80 JA: OK		
8038522	03833	3504721844	103		BULLIS #3 (MCGEE)	100.0	PANHANDLE EASTERN PIPE LINE CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
WOODS PETROLEUM CORPORATION					RECEIVED: 06/06/80 JA: OK		
8038540	04048	3503920175	103		ALTHER #16-1	55,0	ARKANSAS LOUISIANA GAS CO
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES							
BOYD & SHRIVER					RECEIVED: 06/09/80 JA: PA		
8038587	2069	3706320983	108		351-STEWART	4,8	CONSOLIDATED GAS SUPPLY CORP
CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 06/09/80 JA: PA		
8038570	4551	3706521032	108		BESS J WILLIAMS WN-1295	17,0	GENERAL SYSTEM PURCHASERS
8038574	4558	3706521533	108		BRUCE W POOLE WN-1621	14,0	GENERAL SYSTEM PURCHASERS
8038579	4583	3706323934	108		CARLTON DUNMIRE WN-1659	14,0	GENERAL SYSTEM PURCHASERS
8038565	4545	3706322969	108		CLEARFIELD BITUMINOUS COAL CO WN-1429	8,0	GENERAL SYSTEM PURCHASERS
8038573	4557	3770472048	108		CONSOL GAS SUPPLY WN-1623	18,0	GENERAL SYSTEM PURCHASERS
8038571	4553	3706521543	108		EUGENE CATALAND WN-1648	14,0	GENERAL SYSTEM PURCHASERS
8038569	4550	3770632478	108		FARMERS & MINERS TR CO WN-1329	19,0	GENERAL SYSTEM PURCHASERS
8038566	4546	3770652114	108		GOURLEY S BAIR WN-1416	19,0	GENERAL SYSTEM PURCHASERS
8038575	4561	3770652153	108		GOURLEY S BAIR WN-1570	16,0	GENERAL SYSTEM PURCHASERS
8038583	4585	3703320664	108		L E SMITH UNIT WN-1656	9,0	GENERAL SYSTEM PURCHASERS
8038581	4570	3706323354	108		LINDSEY COAL CO WN-1473	16,0	GENERAL SYSTEM PURCHASERS
8038564	4543	3770652120	108		MARTHA E GRAY WN-1450	19,0	GENERAL SYSTEM PURCHASERS
8038562	4541	3706521223	108		MELISSA E MOORE WN-1469	13,0	GENERAL SYSTEM PURCHASERS
8038567	4548	3770632270	108		MICHAEL OLEXY WN-1375	16,0	GENERAL SYSTEM PURCHASERS
8038568	4549	3770632290	108		MORRIS STERN WN-1362	16,0	GENERAL SYSTEM PURCHASERS
8038563	4542	3706521213	108		OLLIE MORRIS WN-1467	10,0	GENERAL SYSTEM PURCHASERS
8038585	1314	3703320261	108		PATSY GEORGINO N-739	1,5	GENERAL SYSTEM PURCHASERS
8038582	4584	3770652149	108		R & P COAL CO WN-1657	14,0	GENERAL SYSTEM PURCHASERS
8038578	4565	3703320603	108		RAYMOND NELSON WN-1541	9,0	GENERAL SYSTEM PURCHASERS
8038580	4569	3770652124	108		ROBERT G DINGEE WN-1474	18,0	GENERAL SYSTEM PURCHASERS
8038577	4564	3706323421	108		THEODORE SMITH WN-1545	9,0	GENERAL SYSTEM PURCHASERS
8038576	4562	3770632367	108		VERNER M MACHOB WN-1568	19,0	GENERAL SYSTEM PURCHASERS
8038572	4555	3770632380	108		W C MCFARLAND WN-1636	17,0	GENERAL SYSTEM PURCHASERS
E J BRUMAGE					RECEIVED: 06/09/80 JA: PA		
8038560	3700	3714700000	108		MATWAY 6479	5,5	EQUITABLE GAS CO
FAIRMAN DRILLING CO					RECEIVED: 06/09/80 JA: PA		
8038553	2971	3706520727	108		A C DAUGHERTY NO 2	17,0	CONSOLIDATED GAS SUPPLY CORP
8038557	3013	3706520852	108		A G WINSLOW HEIRS NO 1	20,0	CONSOLIDATED GAS SUPPLY CORP
8038559	3015	3706520861	108		A G WINSLOW HEIRS NO 2	20,0	CONSOLIDATED GAS SUPPLY CORP
8038555	2987	3706520862	108		A G WINSLOW HEIRS NO 3	20,0	CONSOLIDATED GAS SUPPLY CORP
8038554	2974	3706520651	108		CHARLES FRAMPTON NO 1	20,0	CONSOLIDATED GAS SUPPLY CORP
8038550	2918	3706323817	103		DAVID N GASTON NO 1	30,0	CONSOLIDATED GAS SUPPLY CORP
8038551	2920	3706320296	103		LAYARD GASTON NO 2	30,0	CONSOLIDATED GAS SUPPLY CORP
8038552	2970	3706520432	108		NEAL W FREAS NO 1	18,0	CONSOLIDATED GAS SUPPLY CORP
8038556	3010	3706520335	108		ROBERT MAIN NO 1	26,0	CONSOLIDATED GAS SUPPLY CORP
8038558	3014	3706321223	108		WHITE & INFANTINO NO 1	20,0	CONSOLIDATED GAS SUPPLY CORP
G W WALTERS					RECEIVED: 06/09/80 JA: PA		
8038586	1989	3703120016	108		MERLE MCMASTERS #1	3,2	COLUMBIA GAS TRANSMISSION CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
M K DRILLING INC					RECEIVED: 06/09/80 JA: PA		
8038561	4005	3712126759	103		D SHULTZ #2	30,0	NATIONAL FUEL GAS
MID-EAST OIL CO					RECEIVED: 06/09/80 JA: PA		
8038591	2510	3712921048	103		ANNA M CUNNUK ET UX #1	8,4	PEOPLES NATURAL GAS CO (1)
8038543	2539	3706324330	103		ANSLEY C RUMMEL #1	15,7	EQUITABLE GAS
8038546	2543	3706324435	103		CHARLES D SHUSTER #1	19,0	PEOPLES NATURAL GAS CO
8038595	2515	3706321726	103		DONALD C GALBRAITH ET UX #2	3,6	T M PHILLIPS GAS AND OIL CO
8038542	2538	3712921091	103		DONALD E ROBERTS #1	23,8	PEOPLES NATURAL GAS CO
8038598	2518	3703320790	103		ESTATE OF ANDREW P MARKLEROAD #1	25,0	T M PHILLIPS GAS AND OIL CO
8038599	2519	3703320791	103		ESTATE OF ANDREW P MARKLEROAD #2	25,0	T M PHILLIPS GAS AND OIL CO
8038603	2531	3706323608	103		F L MCCAULEY JR ET UX #1	5,0	APOLLO GAS CO
8038604	2532	3706323730	103		F L MCCAULEY JR ET UX #3	5,0	APOLLO GAS CO
8038594	2513	3712921221	103		FIRST PILGRIM HOLINESS CHURCH #1	20,0	PEOPLES NATURAL GAS CO
8038547	2544	3706323982	103		FRANCES V SKINNER ET AL #1	13,4	EQUITABLE GAS
8038548	2545	3706324317	103		FRANCES V SKINNER ET AL #2	9,5	EQUITABLE GAS
8038608	2536	3706324022	103		GRANT PORTERFIELD SR ET UX #1	15,2	PEOPLES NATURAL GAS CO
8038549	2546	3700522005	103		HARLIN L SMELTZER ET UX #1	1,1	PEOPLES NATURAL GAS CO
8038601	2521	3706324467	103		HARRY E JAMES #1	16,0	PEOPLES NATURAL GAS CO
8038602	2522	3706324543	103		HARRY E JAMES #2	14,0	PEOPLES NATURAL GAS CO
8038597	2517	3712921303	103		HARRY G MARMAI ET AL #1	22,0	PEOPLES NATURAL GAS CO
8038607	2535	3712921173	103		HARRY POLANSKY ET UX #1	20,8	PEOPLES NATURAL GAS CO
8038596	2516	3700522128	103		JAMES K GRIFFITH #1	10,7	APOLLO GAS CO
8038545	2542	3706521640	103		JAMES L SHAFFER ET UX #2	9,5	CONSOLIDATED GAS SUPPLY CORPORATIO
8038605	2533	3706521690	103		JAMES M MCCREIGHT ET AL #1	20,4	CONSOLIDATED GAS SUPPLY CORP
8038606	2534	3706521695	103		JAMES M MCCREIGHT ET AL #2	20,4	CONSOLIDATED GAS SUPPLY CORP
8038593	2512	3706324466	103		KENNETH E DICK ET UX #1	18,0	PEOPLES NATURAL GAS CO
8038589	2508	3706521696	103		LUTHER P BUHITE ET UX #1	17,2	CONSOLIDATED GAS SUPPLY CORP
8038590	2509	3706521704	103		LUTHER P BUHITE ET UX #2	17,2	CONSOLIDATED GAS SUPPLY CORP
8038584	2537	3706521619	103		NORMAN E REED ET UX #2	5,4	CONSOLIDATED GAS SUPPLY CORP
8038600	2520	3706323637	103		ROBERT M HERMANN ET UX #2	4,6	PEOPLES NATURAL GAS CO
8038592	2511	3706323833	103		SAMUEL J DALESSIO JR (30 AC) #1	0,0	PEOPLES NATURAL GAS CO (1)
8038588	2507	3706324307	103		THOMAS BENESNYAK ET UX #1	14,0	PEOPLES NATURAL GAS CO
8038544	2540	3706323607	103		VIOLA SCHNEIDER #1	2,6	APOLLO GAS CO
U. S. GEOLOGICAL SURVEY - METAIRIE, LA							
AMOCO PRODUCTION CO					RECEIVED: 06/04/80 JA: TX 5		
8038439	G9-1146	4270940327	102		OCS-G-2697 #A-140	1500,0	NORTHERN NATURAL GAS CO
8038436	GU-1238	4270940296	102		OCS-G-2698 #B-1	1825,0	NORTHERN NATURAL GAS CO
8038437	GU-1239	4270940296	102		OCS-G-2698 #B-1D	183,0	NORTHERN NATURAL GAS CO
8038435	GU-1240	4270940305	102		OCS-G-2698 #B-2	1825,0	NORTHERN NATURAL GAS CO
8038438	GU-1241	4270940305	102		OCS-G-2698 #B-2D	1825,0	NORTHERN NATURAL GAS CO

OTHER PURCHASERS

8003850	COLUMBIA GAS TRANSMISSION CORP
8038426	NORTHWEST PIPELINE CORP
8038463	NEMAHA PIPELINE CORP
8038464	NEMAHA PIPELINE CORP
8038479	MOBIL OIL CORP
8038488	PUBLIC SERVICE CO OF OKLAHOMA
8038527	MICHIGAN WISCONSIN PIPELINE CO
8038	OKLAHOMA NATURAL GAS CO

[FR Doc. 80-21129 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-C

[Vol. 223]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued June 23, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (d) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

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 by July 31, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary

BILLING CODE 6450-85-M

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
AMOCO PRODUCTION CO					RECEIVED: 06/03/80 JA: KS		
8038198	K-79-1672	1518720247	103		CROSS GAS UNIT #1	60,0	COLORADO INTERSTATE GAS CO
8038172	K-79-1959	1505520290	103		D GOSS #1	35,0	CITIES SERVICE GAS CO
8038159	K-79-1991	1508120163	103		HARRIET HOFFMAN #1	250,0	NORTHERN NATURAL GAS CO
8038202	K-79-2006	1512900000	108		KELLY GAS UNIT A #1	19,0	CITIES SERVICE GAS CO
8038175	K-79-1877	1509300000	108		KENNEY GAS UNIT #1	21,0	CITIES SERVICE GAS CO
8038174	K-79-1957	1507520266	103		OVERBEY GAS UNIT #2	55,0	COLORADO INTERSTATE GAS CO
8038173	K-79-1958	1507520267	103		H M ENGLERT #2	55,0	COLORADO INTERSTATE GAS CO
ANADARKO PRODUCTION COMPANY					RECEIVED: 06/03/80 JA: KS		
8038210	K-79-1893	1512920395	102		LOW A NO 8	1,0	CIMARRON-QUINQUE SYSTEM
8038167	K-79-1965	1500720641	103		MCGUIRE A NO 1	72,0	CENTRAL STATES GAS CO
8038168	K-79-1964	1515120643	103		WENDEL A NO 1	72,0	CENTRAL STATES GAS CO
ASHLAND EXPLORATION INC					RECEIVED: 06/03/80 JA: KS		
8038196	K-79-1697	1507520188	103		RECTOR 2-4 COUNCIL GROVE	318.5	COLORADO INTERSTATE GAS CO
BENSON MINERAL GROUP					RECEIVED: 06/03/80 JA: KS		
8038121	K-79-2018	1508120062	108		BIRD #1	21,5	NORTHERN NATURAL GAS
8038115	K-79-1942	1503522086	102		FULGHUM #1-1	62,1	COLONIAL CORP
8038116	K-79-1941	1503522087	102		FULGHUM #2-1	56,5	COLONIAL CORP
8038192	K-79-1813	1512720294	108		LANDON - KASSEBAUM #1-28	9,4	MAPCO
8038191	K-79-1815	1512720295	108		LANDON KASEBAUM #2-28	9,4	MAPCO
8038117	K-79-1940	1503522130	102		MARILYN JOHNSON #2-1	130,3	COLONIAL CORP
8038118	K-79-1939	1503522021	102		MARILYN JOHNSON 1-1	198,2	COLONIAL CORP
8038190	K-79-1817	1512720213	108		MCFADDEN #1-8	9,4	MAPCO
8038189	K-79-1818	1512720241	108		MCFADDEN #2-8	9,4	MAPCO
8038120	K-79-1937	1503522016	102		SWARTZ #1-2	61,0	COLONIAL CORP
8038119	K-79-1938	1514520623	102		WENZEL #1-25	277,4	NORTHERN NATURAL GAS
CHAMPLIN PETROLEUM COMPANY					RECEIVED: 06/03/80 JA: KS		
8038170	K-79-1962	1500700000	108		DAVIS RANCH D NO 2	18,0	CITIES SERVICE GAS CO
8038169	K-79-1963	1500700000	108		DAVIS RANCH N NO 1	4,0	CITIES SERVICE GAS CO
DOME PETROLEUM CORP					RECEIVED: 06/03/80 JA: KS		
8038177	K-79-1875	1507520124	108		COUK #2	18,7	SUNFLOWER ELECTRIC COOPERATIVE
8038182	K-79-1870	1507520110	108		GRILLIOT #2	4,5	SUNFLOWER ELECTRIC COOPERATIVE
8038183	K-79-1869	1507520128	108		GRISSOM #1	14,1	SUNFLOWER ELECTRIC COOPERATIVE
8038176	K-79-1876	1507520121	108		JANTZ #1	8,6	SUNFLOWER ELECTRIC COOPERATIVE
8038180	K-79-1872	1507520159	108		MORRELL #1	13,5	SUNFLOWER ELECTRIC COOPERATIVE
8038178	K-79-1874	1507520274	103		OVERTON #2	217,5	SUNFLOWER ELECTRIC COOPERATIVE
8038179	K-79-1873	1507520293	103		THOMPSON #1	70,4	KANSAS NEBRASKA NATURAL GAS CO
8038181	K-79-1871	1507520245	108		WEEDE #1	16,3	SUNFLOWER ELECTRIC COOPERATIVE
ENERGY RESERVES GROUP INC					RECEIVED: 06/03/80 JA: KS		
8038214	K-79-1903	1509500000	108		C J BOYLE A #2	11,8	KANSAS POWER & LIGHT CO
8038213	K-79-1904	1509500000	108		C J BOYLE H #1	6,5	KANSAS POWER & LIGHT CO
8038215	K-79-1902	1509500000	108		C J BOYLE J #1	9,9	KANSAS POWER & LIGHT CO
						*	ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038200	K-79-1899	1507500000	108		DARNES RANCH #2	2,7	KANSAS POWER & LIGHT CO
8038164	K-79-1901	1509500000	108		EDNA M BLACKWELL #2	8,6	KANSAS POWER & LIGHT CO
8038165	K-79-1900	1509500000	108		JOE TJADEN A #2	5,5	KANSAS POWER & LIGHT CO
EXCALIBUR PRODUCTION CO INC					RECEIVED: 06/03/80 JA: KS		
8038130	K-79-2008	1507920398	103		FREDERICK #1	30,0	PEOPLES NATURAL GAS
F & M OIL CO INC					RECEIVED: 06/03/80 JA: KS		
8038138	K-79-1891	1514520495	103		ESTES #1	7,2	CENTRAL STATES GAS CO
F G HOLL					RECEIVED: 06/03/80 JA: KS		
8038212	K-79-1251	1504720403	102		DECKERT 1-5	12,0	KANSAS-NEBRASKA NATURAL GAS CO INC
GRAVES DRILLING CO INC					RECEIVED: 06/03/80 JA: KS		
8038193	K-79-1749	1500700000	103		YOUNGERS NO 1	36,5	CENTRAL STATES GAS
HAROLD J MILBURN					RECEIVED: 06/03/80 JA: KS		
8038128	K-79-2011	1507920366	103		BECKER #1	16,0	PEOPLES NATURAL GAS CO
8038127	K-79-2012	1507921342	103		BURNTRAGER #1	30,0	PEOPLES NATURAL GAS CO
8038124	K-79-2015	1507920305	103		EDIGER #1	25,0	PEOPLES NATURAL GAS CO
8038126	K-79-2013	1507920357	103		EPP #2	20,0	PEOPLES NATURAL GAS CO
8038122	K-79-2017	1507920377	103		GOODYEAR #1	12,0	PEOPLES NATURAL GAS CO
8038129	K-79-2010	1507900000	103		LOGANBILL #1	12,0	PEOPLES NATURAL GAS CO
8038125	K-79-2014	1507920302	103		SCHRAG C -1	35,0	PEOPLES NATURAL GAS CO
8038123	K-79-2016	1507921323	103		SCHRAG D #1	200,0	PEOPLES NATURAL GAS CO
IMPERIAL OIL COMPANY					RECEIVED: 06/03/80 JA: KS		
8038166	K-79-1966	1509720402	108		GRIMM #1-2	9,1	PANHANDLE EASTERN PIPE LINE CO
8038160	K-79-1990	1511920284	108		SANDERS RANCH #3-19	6,0	MICHIGAN WISCONSIN PIPE LINE CO
KAISER-FRANCIS OIL COMPANY					RECEIVED: 06/03/80 JA: KS		
8038188	K-79-1969	1518520280	108		WILLINGER T #1	18,0	NORTHERN NATURAL GAS CO
KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 06/03/80 JA: KS		
8038132	K-80-0024	1509320623	103		BUCK 1-2	87,0	
8038145	K-80-0019	1509320646	103		CONKLIN 1-2	87,0	
8038151	K-80-0012	1509320620	103		KRIETE 1-2	87,0	
8038184	K-79-1974	1502320087	102		M-O-M #1-19 (ZWEYGARDT #1-19)	117,0	KANSAS-NEBRASKA NATURAL GAS COMPAN
8038146	K-80-0018	1509320641	103		MASONIC HOME 1-2	87,0	
8038148	K-80-0017	1509320640	103		MASONIC HOME 2-2	87,0	
8038144	K-80-0020	1509320639	103		MASONIC HOME 9-2	87,0	
8038152	K-80-0011	1509320618	103		MCKEY 1-2	87,0	
8038133	K-80-0023	1507520308	103		MUNNICH 1-2	87,0	
8038201	K-80-0022	1505520377	103		STONE 1-2	87,0	
8038147	K-80-0015	1509320619	103		TATE 1-2	232,0	
8038153	K-80-0010	1509320638	103		TATE 5-2	87,0	

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038150	K-80-0013	1509320625	103		WALTERS 1-2	176.0	
8038143	K-80-0021	1509320621	103		YATES 1-2	87.0	
LADD PETROLEUM CORPORATION					RECEIVED: 06/03/80 JA: KS		
8038154	K-80-0009	1507520223	103		MCU 2611-B	30.9	KANSAS NEBRASKA NATURAL GAS CO
LEBEN OIL CORP					RECEIVED: 06/03/80 JA: KS		
8038205	K-79-2002	1517520425	103		FINCHAN #2	350.0	ANADARKO PRODUCTION CO
8038161	K-79-1989	1517520424	103		MCGEE #2	500.0	PANHANDLE EASTERN PIPELINE CO OF A
MCKELVY OPERATING CORP					RECEIVED: 06/03/80 JA: KS		
8038163	K-79-1986	1505500000	108		ENS #1	10.0	NORTHERN NATURAL GAS CO
8038162	K-79-1987	1505500000	108		METT #1	15.0	NORTHERN NATURAL GAS CO
MOBIL OIL CORP					RECEIVED: 06/03/80 JA: KS		
8038186	K-79-1972	1518920471	103		ELLEXSON NO 1 UNIT NO 2	70.0	NORTHERN NATURAL GAS COMPANY
8038187	K-79-1971	1518920468	103		GIBBENS UNIT NO 1 WELL	70.0	NORTHERN NATURAL GAS CO
NORTHERN NATURAL GAS PRODUCING CO					RECEIVED: 06/03/80 JA: KS		
8038185	K-79-1973	1518920474	103		FLOWER UNIT NO 3	70.0	NORTHERN NATURAL GAS COMPANY
OIL PROPERTIES CO INC					RECEIVED: 06/03/80 JA: KS		
8038195	K-79-1733	1504720425	103		BRYANT A NO 1	20.0	PANHANDLE EASTERN PIPELINE CO
8038156	K-79-1994	1504720553	103		TURNER NO 1	0.0	CENTRAL STATES GAS CO
OX BOW GAS CO					RECEIVED: 06/03/80 JA: KS		
8038136	K-79-1803	1520500000	108		MAXWELL #1	9.1	UNION GAS CO
8038134	K-79-1805	1520500000	108		MAXWELL #2	9.1	UNION GAS CO
8038135	K-79-1804	1520500000	108		MAXWELL #3	9.1	UNION GAS CO
PERRY GAS COMPANIES INC					RECEIVED: 06/03/80 JA: KS		
8038137	K-79-1895	1514520566	103		PETRO #1	72.0	
PETROLEUM CORPORATION OF TEXAS					RECEIVED: 06/03/80 JA: KS		
*8038197	K-79-1911	1505300000	108		C C BETTS #1	12.0	KANSAS-NEBRASKA NATURAL GAS CO INC
8038211	K-79-1908	1505500000	108		MCCLURE C #1	16.7	NORTHERN NATURAL GAS CO
8038199	K-79-1909	1505300000	108		RUSSELL #1	14.0	NORTHERN NATURAL GAS CO
PICKRELL DRILLING COMPANY					RECEIVED: 06/03/80 JA: KS		
8038171	K-79-1961	1509520617	103		REIDA B #1	31.0	KANSAS GAS SUPPLY CORP
R L BURNS CORP					RECEIVED: 06/03/80 JA: KS		
*8038140	K-79-1888	1511500000	108		F TAJCHMAN NO 1	3.5	CLOVER PIPELINE CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
*8038139	K-79-1889	1511520316	108		HIGGINS NO 1	15.8	CLOVER PIPELINE CORP
*8038141	K-79-1887	1511520258	108		KIEFERLE-CULLETT #1	1.9	CLOVER PIPELINE CORP
*8038142	K-79-1886	1511520299	108		SVOBODA NO 1	7.8	CLOVER PIPELINE CORP
R W LANGE					RECEIVED: 06/03/80 JA: KS		
8038155	K-79-1996	1506720565	103		APPLEMAN-JACKSON-FEE #2	50.0	COLORADO INTERSTATE GAS CO
RINE DRILLING CO					RECEIVED: 06/03/80 JA: KS		
8038157	K-79-1993	1502520306	103		BARBY #1-21	438.0	NORTHERN NATURAL GAS
SOVEREIGN EXPLORATION CO					RECEIVED: 06/03/80 JA: KS		
8038204	K-79-2004	1512920397	103		HARRISON #1	80.0	COLORADO INTERSTATE GAS CO
STALCUP OIL CO					RECEIVED: 06/03/80 JA: KS		
8038151	K-79-2007	1504700000	103		LAREMORE #1	273.0	
TEXAS OIL & GAS CORP					RECEIVED: 06/03/80 JA: KS		
8038207	K-79-2000	1500720761	103		GRESS #1	146.0	NORTHERN GAS PRODUCTS
8038203	K-79-2005	1500720561	108		MATHEWS B #2	14.6	NORTHERN GAS PRODUCTS
8038209	K-79-1997	1509520561	108		MESSENGER #1	14.6	NORTHERN GAS PRODUCTS
8038208	K-79-1998	1509520698	103		MILLER M #1	250.0	NORTHERN GAS PRODUCTS
8038206	K-79-2001	1509720418	108		RUSH #1	12.8	DELMI GAS PIPELINE CORP
QUINQUE OIL & GAS PRODUCING CO					RECEIVED: 06/03/80 JA: KS		
8038158	K-79-1992	1511920315	103		ADAMS #1-17	54.0	PHILLIPS PETROLEUM CO
W B OSBURN JR (OPERATOR)					RECEIVED: 06/03/80 JA: KS		
8038194	K-79-1747	1507520304	102		JEANNE #1	30.0	PEOPLES NATURAL GAS CO
8038149	K-80-0014	1509320631	103		K J A #1-A	25.0	COLORADO INTERSTATE GAS CO
OKLAHOMA CORPORATION COMMISSION							
AMOCO PRODUCTION CO					RECEIVED: 06/04/80 JA: OK		
8038344	04002	3500736469	108		LIERMAN UNIT #1	0.0	NORTHERN NATURAL GAS CO
ANADARKO PRODUCTION COMPANY					RECEIVED: 06/04/80 JA: OK		
8038354	03790	3500721329	103		JONES B #1	15.0	PANHANDLE EASTERN PIPE LINE CO
ANDOVER OIL COMPANY					RECEIVED: 06/04/80 JA: OK		
8038342	04009	3501720916	102		ALFADALE FARMS #2-1	18.0	DELMI GAS PIPELINE CORP
8038358	03910	3504721947	103		ROBINETT #26-2	73.0	PANHANDLE EASTERN PIPE LINE CO
CITIES SERVICE COMPANY					RECEIVED: 06/04/80 JA: OK		
8038362	07040	3505120859	107		HOLDER A #1 (ARBUCKLE)	91.2	MICHIGAN WISCONSIN PIPE LINE CO
8038361	07039	3505120859	107		HOLDER A #1 (BROMIDE)	73.0	MICHIGAN WISCONSIN PIPE LINE CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
DALCO PETROLEUM INC					RECEIVED: 06/04/80 JA: OK		
8038370	03989	3507322234	103		PRAY #2	54,7	CITIES SERVICE GAS CO
DAVIS OIL COMPANY					RECEIVED: 06/04/80 JA: OK		
8038346	03955	3501120801	103		DOLLIE NO 1	12,6	MICHIGAN WISCONSIN PIPELINE CO
8038347	03954	3501721089	103		YECK #1	17,0	PHILLIPS PETROLEUM CO
DICK BOGERT INC					RECEIVED: 06/04/80 JA: OK		
8038366	03687	3504721775	103		VICTOR #1	30,0	UNION TEXAS PETROLEUM
HARPER OIL COMPANY					RECEIVED: 06/04/80 JA: OK		
8038356	03935	3509321630	103		DON CHUATE NO 1	10,0	PHILLIPS PETROLEUM CO
HOOVER & BRACKEN ENERGIES					RECEIVED: 06/04/80 JA: OK		
8038369	03491	3512920354	102		CLYDE TICE 1-28	1,1	LACLEDE GAS CO
JAY D JONES					RECEIVED: 06/04/80 JA: OK		
8038359	01451	3513740624	108		JACKSON 1-19	6,0	ARKANSAS LOUISIANA GAS CO
KAISER-FRANCIS OIL COMPANY					RECEIVED: 06/04/80 JA: OK		
8038339	03950	3501721005	102103		HOUSE #1	18,3	ARKANSAS-LOUISIANA GAS CO
LINDLEY-HUBSON OIL CO					RECEIVED: 06/04/80 JA: OK		
8038351	04035	3504700000	108		WOLFE NO 2	8,8	ATLANTIC RICHFIELD CO
LUBELL OIL CO					RECEIVED: 06/04/80 JA: OK		
8038368	03986	3512120662	103		LEWIS NO 1-30	50,0	
MACKELLAR INC					RECEIVED: 06/04/80 JA: OK		
8038348	03974	3507322198	103		MARTIN #1	36,0	CONOCO INC
8038349	03975	3507322226	103		MARTIN #2	36,0	CONOCO INC
MASSEY & MASSEY					RECEIVED: 06/04/80 JA: OK		
8038345	03798	3504721865	103		ELSIE #1	10,9	PHILLIPS PETROLEUM CO
NORTH AMERICAN ROYALTIES INC					RECEIVED: 06/04/80 JA: OK		
8038367	04004	3501721134	103		BEROUSEK #1	36,5	PHILLIPS PETROLEUM CO
8038365	04006	3501721158	103		KOUBA #1	36,5	PHILLIPS PETROLEUM CO
8038364	04005	3501721238	103		VOGT #2	0,0	PHILLIPS PETROLEUM CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
NORTHWESTERN PRODUCTION INC					RECEIVED: 06/04/80 JA: OK		
8038352	02329	3507300000	103		SIMMONS #1	10,0	CONOCO INC
OKLAHOMA PETROLEUM MANAGEMENT CORP					RECEIVED: 06/04/80 JA: OK		
8038341	03463	3508120739	102		CRENSHAW #1	36,5	COLORADO GAS COMPRESSION INC
8038340	03461	3508120784	102		SMITH #1	91,2	COLORADO GAS COMPRESSION INC
ONG EXPLORATION INC					RECEIVED: 06/04/80 JA: OK		
8038357	03907	3501721096	103		SCHEIN NO 2	150,0	PHILLIPS PETROLEUM CO
PETRO-LEWIS CORPORATION					RECEIVED: 06/04/80 JA: OK		
8038345	04000	3507322800	103		LENA SHARVER #1	36,5	PARTNERSHIP PROPERTIES CO
RAMBLER OIL CO					RECEIVED: 06/04/80 JA: OK		
*8038355	03908	3501120944	103		WILLIAMS #2-2	36,5	MICHIGAN WISCONSIN PIPE LINE CO
SAMSON RESOURCES COMPANY					RECEIVED: 06/04/80 JA: OK		
8038338	03457	3512120620	102103		CARR UNIT NO 1	3,6	ARKANSAS LOUISIANA GAS CO
8038371		3506120243	103		L M CUBLENTZ NO 1	35,0	ARKANSAS LOUISIANA GAS CO
SOUTHLAND ROYALTY CO					RECEIVED: 06/04/80 JA: OK		
8038353	03936	3509321558	103		ALLMAN #1-10	15,0	DELHI GAS PIPELINE CORP
8038350	03971	3513921198	103		DAISY #1-31	12,5	NORTHERN NATURAL GAS CO
THE GHK COMPANY					RECEIVED: 06/04/80 JA: OK		
8038360	07038	3500920291	107		U VERNON #1-22	11,0	
UNIT OPERATIONS					RECEIVED: 06/04/80 JA: OK		
8038337	03737	3507100000	102103		AVERY GAS UNIT NO 1	73,0	CITIES SERVICE GAS CO
WESSELY ENERGY CORPORATION					RECEIVED: 06/04/80 JA: OK		
8038363	03415	3504921141	102		BELL UNIT NO 1	36,5	CITIES SERVICE GAS CO

UTAH DIVISION OF OIL, GAS, & MINING

AMERICAN QUASAR PETROLEUM CO					RECEIVED: 05/28/80 JA: UT		
8038216	K-107-8A	4304330081	103		JUDD 34-2	73,0	MOUNTAIN FUEL SUPPLY CO
8038217	K-107-8B	4304330080	103		JUDD 34-3	73,0	MOUNTAIN FUEL SUPPLY CO

WEST VIRGINIA DEPARTMENT OF MINES

CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 06/03/80 JA: WV		
8038234		4710500647	108		A A CUNNINGHAM 5	5,0	GENERAL SYSTEM PURCHASERS

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038279		4701701971	108		A BEVER 6327	6,0	GENERAL SYSTEM PURCHASERS
8038276		4701701992	108		A HINKLE 7389	2,0	GENERAL SYSTEM PURCHASERS
8038284		4701701959	108		A N FORD 4842	2,0	GENERAL SYSTEM PURCHASERS
8038275		4701701993	108		A P RICHARDS 7458	19,0	GENERAL SYSTEM PURCHASERS
8038292		4703301480	108		ALEXANDER DUFF 3216	17,0	GENERAL SYSTEM PURCHASERS
8038286		4701302700	108		BENNETT-BURROWS 6532	4,0	GENERAL SYSTEM PURCHASERS
8038336		4701702420	108		C L PEARCY 6822	1,0	GENERAL SYSTEM PURCHASERS
8038274		4701701995	108		C M KELLAR 7464	12,0	GENERAL SYSTEM PURCHASERS
8038288		4703301498	108		CHARLES L CRAIG 7590	0,2	GENERAL SYSTEM PURCHASERS
8038229		4708503904	108		CHARLOTTE MOREHEAD 6293	2,0	GENERAL SYSTEM PURCHASERS
8038305		4702103081	108		COLLINS-MCCONAUGHY 6224	3,0	GENERAL SYSTEM PURCHASERS
8038218		4703301620	108		COPLIN HEIRS 11069	2,0	GENERAL SYSTEM PURCHASERS
8038291		4703301491	108		CORNELIA GAWTHROPE 7562	1,3	GENERAL SYSTEM PURCHASERS
8038280		4701701967	108		D M HAUGHT 5488	5,0	GENERAL SYSTEM PURCHASERS
8038299		4703301437	108		DAVID L HALL 5294	5,0	GENERAL SYSTEM PURCHASERS
8038300		4703301436	108		F J PEPPER 5246	5,0	GENERAL SYSTEM PURCHASERS
8038334		4702103044	108		FANNIE GAINES 1709	4,0	GENERAL SYSTEM PURCHASERS
8038223		4704102247	108		G LIFE 3643	14,0	GENERAL SYSTEM PURCHASERS
8038238		4710300688	108		G W STONEKING 3496	4,0	GENERAL SYSTEM PURCHASERS
8038290		4703301494	108		GRIFFITH 7566	0,3	GENERAL SYSTEM PURCHASERS
8038302		4702103479	108		HUDSON MICK 3230	5,0	GENERAL SYSTEM PURCHASERS
8038281		4701701966	108		J ADAMS 5295	5,0	GENERAL SYSTEM PURCHASERS
8038283		4701701960	108		J E HARBERT 4864	20,0	GENERAL SYSTEM PURCHASERS
8038335		4701702422	108		J L HADDOX 4481	3,0	GENERAL SYSTEM PURCHASERS
8038304		4702103086	108		J L RINEHART 6346	3,0	GENERAL SYSTEM PURCHASERS
8038224		4704102233	108		J P HULL 3045	2,0	GENERAL SYSTEM PURCHASERS
8038226		4704102337	108		J W NORRIS 8291	6,0	GENERAL SYSTEM PURCHASERS
8038272		4701702406	108		JACOB STUTLER 5622	6,0	GENERAL SYSTEM PURCHASERS
8038232		4709500494	108		JESSE B MCCORMICK 5799	2,0	GENERAL SYSTEM PURCHASERS
8038289		4703301495	108		JESSE C BARNES 7573	3,0	GENERAL SYSTEM PURCHASERS
8038221		4704102224	108		JOHN FALLEN 2758	2,0	GENERAL SYSTEM PURCHASERS
8038222		4704102194	108		JOHN FALLON 973	15,0	GENERAL SYSTEM PURCHASERS
8038219		4703301628	108		JOHN J WILLIAMS 11083	2,0	GENERAL SYSTEM PURCHASERS
8038287		4703301508	108		JOSEPH CHEUVRONT 7851	5,0	GENERAL SYSTEM PURCHASERS
8038237		4710300682	108		L G ROBINSON 1249	6,0	GENERAL SYSTEM PURCHASERS
8038231		4708504304	108		LEWIS M EMRET 6789	7,0	GENERAL SYSTEM PURCHASERS
8038301		4702103488	108		LILLIE F HOUSE 1708	21,0	GENERAL SYSTEM PURCHASERS
8038331		4702103060	108		LOUIS BENNETT 5540	13,0	GENERAL SYSTEM PURCHASERS
8038226		4704102302	108		M A MALTERMAN 7831	2,0	GENERAL SYSTEM PURCHASERS
8038297		4703301440	108		M S BELL 5424	5,0	GENERAL SYSTEM PURCHASERS
8038233		4709500497	108		M V B GEORGE 7238	4,0	GENERAL SYSTEM PURCHASERS
8038235		4710300664	108		MALINDA BELLARD 457	3,0	GENERAL SYSTEM PURCHASERS
8038296		4703301441	108		MARY E MCMILLAN 5526	5,0	GENERAL SYSTEM PURCHASERS
8038220		4704101789	108		MICHAEL MERTZ 8273	8,0	GENERAL SYSTEM PURCHASERS
8038227		4704102274	108		N C ALLMAN 4647	3,0	GENERAL SYSTEM PURCHASERS
8038285		4701701953	108		N M ROBINSON 4241	5,0	GENERAL SYSTEM PURCHASERS
8038293		4703301476	108		REYNOLDS-GORE 7411	1,0	GENERAL SYSTEM PURCHASERS
8038294		4703301451	108		SALLIE FARIS 7264	2,0	GENERAL SYSTEM PURCHASERS
8038230		4708503913	108		T A MASON 6858	2,0	GENERAL SYSTEM PURCHASERS
8038298		4703301438	108		T M SMITH 5306	3,0	GENERAL SYSTEM PURCHASERS
8038295		4703301442	108		VIRGINIA RAYMOND 5624	0,7	GENERAL SYSTEM PURCHASERS
8038303		4702103105	108		W B HOLBERT 7500	0,7	GENERAL SYSTEM PURCHASERS
8038278		4701701981	108		W B MAXWELL 7039	9,0	GENERAL SYSTEM PURCHASERS
8038332		4702103059	108		W G BENNETT 5446	3,0	GENERAL SYSTEM PURCHASERS

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038233		4702103046	108		W M UTTC FARM 2468	5,0	GENERAL SYSTEM PURCHASERS
8038282		4701701963	108		W M ROYCE 5124	3,0	GENERAL SYSTEM PURCHASERS
8038277		4701701983	108		W MAXWELL 7041	13,0	GENERAL SYSTEM PURCHASERS
8038275		4701702159	108		WALDO BROADWATER 497	4,0	GENERAL SYSTEM PURCHASERS
8038225		4704102259	108		WILLIAM DEAN 4103	3,0	GENERAL SYSTEM PURCHASERS
8038236		4710500661	108		WILLIAM GADD 1075	3,0	GENERAL SYSTEM PURCHASERS
D A DURHAND				RECEIVED: 06/03/80 JA: WV			
8038250		4701302275	108		BARR #1	2,0	CONSOLIDATED GAS SUPPLY CORP
8038247		4702101307	108		DANIEL DAVIS #1	5,0	CONSOLIDATED GAS SUPPLY CORP
8038248		4702101343	108		DANIEL DAVIS #2	2,0	CONSOLIDATED GAS SUPPLY CORP
8038249		4702101726	108		J L MOORE HEIRS #1	1,0	CONSOLIDATED GAS SUPPLY CORP
8038239		4702101271	108		MOUDY #2	5,0	CONSOLIDATED GAS SUPPLY CORP
E&C GAS CO				RECEIVED: 06/03/80 JA: WV			
8038308		4703520248	108		H A HARBERT #2	7,0	EAGLE GAS CO
8038316		4703520106	108		IRA C HARKER #1	8,0	EAGLE GAS CO
EAGLE GAS CO				RECEIVED: 06/03/80 JA: WV			
8038307		4703520061	108		A J HARBERT NO 42	4,0	LUMBERPORT-SHINNSTON GAS CO
8038311		4700520090	108		A W BUGGESS HRS NO 64	6,0	LUMBERPORT-SHINNSTON GAS CO
8038313		4703522610	108		C N HARBERT #37	0,0	LUMBERPORT-SHINNSTON GAS CO
8038315		4703520114	108		GEORGE BUGGESS #2 WELL #6	17,0	LUMBERPORT-SHINNSTON GAS CO
8038306		4703520495	108		J M BUGGESS #3 NO E	13,0	LUMBERPORT-SHINNSTON GAS CO
8038314		4703522230	108		J T HARBERT #1 WELL #10	5,0	LUMBERPORT-SHINNSTON GAS CO
8038312		4703522159	108		JENNIE BARTLETT #1 WELL NO 45	6,0	LUMBERPORT-SHINNSTON GAS CO
8038309	005545	4703500160	108		JENNIE BARTLETT #2 WELL #26	1,0	LUMBERPORT-SHINNSTON GAS CO
8038318		4703520083	108		JOHN MUSTEAD HRS #61	7,0	LUMBERPORT-SHINNSTON GAS CO
8038310		4703522167	108		W E FLUHERS #2 WELL #15	3,0	LUMBERPORT-SHINNSTON GAS CO
EASTERN AMERICAN ENERGY CORPORATION				RECEIVED: 06/03/80 JA: WV			
8038243		4701702499	103		M STICKEL #1	25,0	COLUMBIA GAS CO
GLENN H JOHNSON DBA JOHNSON PRODUCT				RECEIVED: 06/03/80 JA: WV			
8038321		4709702877	108		ESPE #1-TA	13,6	PARTNERSHIP PROPERTIES CO
8038330		4709702140	108		MATHENY #1	3,4	COLUMBIA GAS TRANS CORP
HAYS & ANDERSON				RECEIVED: 06/03/80 JA: WV			
8038253		4701301261	108		LAURA NITZ #1	2,2	CONSOLIDATED GAS SUPPLY CORP
8038255		4701301340	108		LOWE METZ #1	2,0	CONSOLIDATED GAS SUPPLY CORP
8038258		4701301455	108		LOWE METZ #2	2,0	CONSOLIDATED GAS SUPPLY CORP
8038251		4701301248	108		LULU MEADOWS #1	1,5	CONSOLIDATED GAS SUPPLY CORP
8038252		4701301256	108		LULU MEADOWS #2	1,0	CONSOLIDATED GAS SUPPLY CORP
8038257		4701301436	108		ODESSA HAYMAKER #1	0,0	CONSOLIDATED GAS SUPPLY CORP
8038254		4701301280	108		OPAL STALNAKER #1	1,0	CONSOLIDATED GAS SUPPLY CORP
8038260		4701301471	108		R T KEITH #1	2,0	CONSOLIDATED GAS SUPPLY CORP
8038261		4701301489	108		R T KEITH #2	1,5	CONSOLIDATED GAS SUPPLY CORP
8038259		4701301456	108		S A HAYS	2,0	CONSOLIDATED GAS SUPPLY CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8038264		4701301563	108		SLIDER #1	0,6	CONSOLIDATED GAS SUPPLY CORP
8038265		4701301586	108		SLIDER #2	0,6	CONSOLIDATED GAS SUPPLY CORP
8038266		4701301613	108		SLIDER #3	0,5	CONSOLIDATED GAS SUPPLY CORP
8038267		4701301624	108		SLIDER #4	0,1	CONSOLIDATED GAS SUPPLY CORP
8038262		4701301523	108		W G SCHOOLCRAFT #1	1,5	CONSOLIDATED GAS SUPPLY CORP
8038263		4701301538	108		W G SCHOOLCRAFT #2	0,5	CONSOLIDATED GAS SUPPLY CORP
8038256		4701301387	108		WHITE HALL #1	2,0	CONSOLIDATED GAS SUPPLY CORP
8038268		4702100966	108		WILLIAM GROVES #1	3,0	CONSOLIDATED GAS SUPPLY CORP
8038269		4702100979	108		WILLIAM GROVES #2	2,5	CONSOLIDATED GAS SUPPLY CORP
J & J ENTERPRISES INC					RECEIVED: 06/03/80 JA: WV		
8038319		4700129830	103		B-173	20,0	CONSOLIDATED GAS SUPPLY CORP
8038326		4700121106	103		B-181	20,0	CONSOLIDATED GAS SUPPLY CORP
8038325		4700109840	103		B-185	20,0	CONSOLIDATED GAS SUPPLY CORP
8038329		4703322046	103		B-215	20,0	CONSOLIDATED GAS SUPPLY CORP
8038328		4703321980	103		B-221	20,0	CONSOLIDATED GAS SUPPLY CORP
8038327		4703301968	103		B-248	20,0	CONSOLIDATED GAS SUPPLY CORP
KENNETH DAVIS					RECEIVED: 06/03/80 JA: WV		
8038320		4709921694	103		ALEXANDER PORTER #1	15,0	COLUMBIA GAS TRANSMISSION CORP
MILLS DRILLING CO INC					RECEIVED: 06/03/80 JA: WV		
8038242		4705900935	103		CLOSTERMAN HEIRS NO M-2	21,6	COLUMBIA GAS TRANSMISSION CORP
MONITOR PETROLEUM CORP					RECEIVED: 06/03/80 JA: WV		
8038323		4700121110	103		JERALD JONES ET AL #1	10,0	COLUMBIA GAS TRANSMISSION CORP
RUSSELL V JOHNSON JR					RECEIVED: 06/03/80 JA: WV		
8038324		4701702481	103		HOWARD MINTENER #1	15,0	COLUMBIA GAS TRANSMISSION CO
SENECA-UPSHUR PETROLEUM CO					RECEIVED: 06/03/80 JA: WV		
8038244		4704700795	103		P-263	30,0	CONSOLIDATED GAS SUPPLY CORP
STEPHEN GAS CO					RECEIVED: 06/03/80 JA: WV		
8038271		4704100671	108		JOHN C MERTZ #1	1,0	CONSOLIDATED GAS SUPPLY CORP
8038241		4704100672	108		JOHN C MERTZ #2	1,0	CONSOLIDATED GAS SUPPLY CORP
8038270		4704100044	108		ROBERT LUHAN #1	1,0	CONSOLIDATED GAS SUPPLY CORP
STEHLING DRILLING & PROD CO INC					RECEIVED: 06/03/80 JA: WV		
8038246		4708703208	103		HAROLD #154	9,5	COLUMBIA GAS TRANSMISSION CORP
8038322		4708703199	103		SMITH #117	18,9	COLUMBIA GAS TRANS CORP
V L MORNER					RECEIVED: 06/03/80 JA: WV		
8038317		4703320185	108		D RAY RUGERS #3	12,0	EAGLE GAS CO
8038245		4703320050	108		ERNEST ROBINSON #1	1,5	EAGLE GAS CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
V L HORNOR INV CO					RECEIVED: 06/03/80 JA: WY		
8038240		4703320039	108		D RAY ROGERS-# #2	5,0	EAGLE GAS CO
U. S. GEOLOGICAL SURVEY - CASPER, WY							
NORTHWEST EXPLORATION COMPANY					RECEIVED: 06/04/80 JA: CO 5		
8038381	CC-1049-9B	0510308002	108		PHILADELPHIA CREEK #14	5,0	NORTHWEST PIPELINE CORP
ANADARKO PRODUCTION CO					RECEIVED: 06/04/80 JA: CO		
8038378	CC-1061-9	0508106373	103		COTTONWOOD GULCH FED A #1	760.0	MOUNTAIN FUEL SUPPLY CO
DIAMOND SHAMROCK CORPORATION					RECEIVED: 06/04/80 JA: MT 5		
8038377	M 1074-9	2507321301	102		ANADARKO FEDERAL 11-3	35,0	
8038376	M 1073-9	2510121707	102		UNDERDAHL FEDERAL 21-33	20,0	
MIDLAND GAS CORPORATION					RECEIVED: 06/04/80 JA: MT 5		
8038380	M 1014-9	2507121420	108		FEDERAL #1 (1131)	5,0	KANSAS-NEBRASKA NATURAL GAS CO INC
GRACE PETROLEUM CORPORATION					RECEIVED: 06/04/80 JA: UT 5		
8038384	UC 1110-9	4301915655	108		C-10 (CASTLEGATE)	16,0	NORTHWEST PIPELINE CORP
8038373	UC 1106-9	4301915649	108		C-2 (CASTLEGATE)	14,0	NORTHWEST PIPELINE CORP
8038375	UC 1107-9	4301915650	108		C-4 (CASTLEGATE)	15,0	NORTHWEST PIPELINE CORP
8038374	UC 1108-9	4301915652	108		C-6 (CASTLEGATE)	16,0	NORTHWEST PIPELINE CORP
8038383	UC 1109-9	4301915653	108		C-7 (CASTLEGATE)	13,0	NORTHWEST PIPELINE CORP
WILLARD PEASE OIL & GAS CO					RECEIVED: 06/04/80 JA: UT 5		
8038385	UC 952-9	4301930335	102		BAR CREEK FEDERAL NO 1	300,0	NATURAL GAS PIPELINE CO OF AMERICA
AMERICAN QUASAR PETROLEUM CO					RECEIVED: 06/04/80 JA: WY 5		
8038372	W 751-9	4900320486	102		DOBIE CREEK 13-1	0,0	MONTANA-DAKOTA UTILITIES
DAVIS OIL COMPANY					RECEIVED: 06/04/80 JA: WY 5		
8038386	W 1092-9	4903721152	102		HAY RESERVOIR #18	180,0	PANHANDLE EASTERN PIPELINE CO
ENERGETICS INC					RECEIVED: 06/04/80 JA: WY 5		
8038382	W 1127-9	4903520509	103		FEDERAL 40-29	182,5	NORTHWEST PIPELINE CORP
FOREST OIL CORPORATION					RECEIVED: 06/04/80 JA: WY 5		
8038379	W 1055-9	4903720898	102		SHIPROCK FEDERAL #4-1	150,0	COLORADO INTERSTATE GAS CO

* OTHER PURCHASERS

8038139	NEMAHA PIPELINE CORP
8038140	NEMAHA PIPELINE CO
8038141	NEMAHA PIPELINE CORP
8038142	NEMAHA PIPELINE CORP
8038197	KANSAS-NEBRASKA NATURAL GAS CO INC
8038355	OKLAHOMA GAS & ELECTRIC CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

[FR Doc. 80-21128 Filed 7-15-80; 8:45 am]
BILLING CODE 8450-85-C

[Project No. 3054]

Alabama Electric Cooperative; Application for Preliminary Permit

July 8, 1980.

Take notice that an application was filed on February 26, 1980, under the Federal Power Act, 16 U.S.C. §§791(a)–825(r) by the Alabama Electric Cooperative for a preliminary permit. The project is to be known as the William B. Oliver Hydro-Electric Project, located at the U.S. Army Corps of Engineers' William Bacon Oliver Lock and Dam, on the Black River in Tuscaloosa Count, Alabama. Correspondence with the Applicant on this matter should be addressed to: Mr. Charles Lowman, General Manager, Alabama Electric Cooperative, P.O. Box 550, Andalusia, Alabama 36420.

Purpose of Project—The power generated from this project would be fed into an existing transmission system for eventual distribution to members of the Alabama Electric Cooperative, a Rural Electrification Administration generation and transmission cooperative with membership in southern Alabama and western Florida.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geologic investigations, consult with the U.S. Army Corps of Engineers, determine the economic feasibility of the project, consult with Federal, State, and local agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $357,000.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' William Bacon Oliver Lock and Dam on the Black Warrior River. The project would consist of: (1) a concrete powerhouse to be located on the downstream side of the overflow spillway section near the northern bank containing one to three generating units with a total installed capacity of 15 MW; (2) an intake with trashracks and sliding guard gate; (3) a tailrace channel, and (4) appurtenant facilities. Applicant estimates the annual generation woud average about 60,000,000 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 enviornmental feasibility of the proposed project, the market for 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 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 September 8, 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 November 10, 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 protests 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, 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 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 comment, protest, or petition to intervene must be filed on or before September 8, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-21131 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-578]

Kansas Gas & Electric Co.; Order Accepting for Filing

Issued July 2, 1980.

Before us is a dispute concerning Kansas Gas & Electric Company's (KG&E) compliance filing [1] pursuant to a settlement agreement between KG&E and its cooperative customers (cooperatives) filed on August 15, 1979.[2] The August 15, 1979 settlement agreement provided for new rates (REC-979) which were to become effective on September 15, 1979 or on any date thereafter approved by the Commission. (See Appendix A). On October 19, 1979, the Commission by letter order approved the new rates which became effective immediately. Thus, during the October 19, 1979, after which the new rates became effective for the remainder of the cycle.[3]

KG&E determined the demand charges for each cooperative during the October billing cycle by separately computing the charge under the old rate and the settlement rate, utilizing the single highest demand metered during the entire billing cycle. KG&E then prorated these separate charges to reflect the number of days each rate was actually in effect.

Protest

On December 7, 1979, the cooperatives filed a protest to KG&E's November 1, 1979 compliance filing. In their protest, the cooperatives object to KG&E's

[1] In its Statement of Compliance, KG&E reports that no refunds were being made since the rate charges filed in this docket are subject to prospective approval under § 206 of the Federal Power Act.

[2] The cooperatives are: Butler Rural Electric Cooperative Association, Inc.; Coffey County Rural Electric Cooperative Association, Inc.; Radiant Electric Cooperative, Inc.; Sedgewick County Electric Cooperative Association, Inc.; Sumner-Cowley Electric Cooperative, Inc.; United Electric Cooperative, Inc.; Caney Valley Electric Cooperative Association, Inc.; and Sekan Electric Cooperative Association, Inc.

[3] The effective settlement rate date (October 19, 1979) falls within the October billing cycle for certain delivery points and within the November billing cycle for the remaining delivery points. We use the term "October billing cycle" to mean the particular billing cycle (October or November) for each delivery point in which October 19, 1979 date falls.

billing procedure, stating that maximum demands should be metered separately for determination of demand charges under the old rate before October 19 and determination of demand charges as of that date. The cooperatives assert that, under KG&E's method, the demand charges for the month of October were determined by the mismatching of the demand level which occurred during the first billing cycle segment with the rates in effect during the second billing cycle segment. According to the cooperatives, this mismatching of demand level and rates violates the "filed rate" doctrine [4] and the Commission's directive in the October 19, 1979 settlement order.

Discussion

Our review of KG&E's compliance filing reveals that KG&E's billing procedure is consistent with new settlement rate REC–979 (*See* Appendix A). We find that the cooperatives' arguments in opposition to KG&E's compliance filing are meritless. The October 19, 1979 settlement order does not prohibit KG&E from applying the highest demand peak metered during the October billing cycle to either the old or new settlement rates. Nor does KG&E's billing procedure violate the "filed rate" doctrine, as KG&E merely charges a settlement rate *which is on file with the Commission.* (See footnote 4, *infra*). In essence, the cooperatives' protest reduces to a mere challenge of the frequency and timing of KG&E's meter reading.

Accordingly, we shall accept KG&E's compliance report as it is in compliance with the Commission's letter order of October 19, 1980.

The Commission orders:

KG&E's compliance filing pursuant to the October 19, 1979 Commission letter order is accepted for filing.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Appendix A

Prior Rate REC—375

"The average KW, adjusted for power factor, supplied during the 15-minute period of maximum use during the current month, but not less than 75 percent of the highest KW similarly established during the months of July, August or September and occurring in the eleven (11) preceding months, nor less than 50 KW or such higher minimum KW as may be specified in Customer's Agreement for Electric Service."

Settlement Rate REC—979

"The average KW, adjusted for power factor, supplied during the 15-minute period of maximum use during the current month, but not less than 50 KW or such higher minimum KW as may be specified in Customer's Agreement for Electric Service."

[FR Doc. 80–21132 Filed 7–15–80; 8:45 am]

BILLING CODE 6450–85–M

[4] In essence, the "filed rate" doctrine stands for the proposition that a public utility "can claim no rate as a legal right that is other than the filed rates. . . ." *Montana-Dakota Utilities Co.* v. *Northwestern Public Service Company*, 341 U.S. 246 (1951).

[Docket No. CP80–424]

Mississippi River Transmission Corp.; Application

July 9, 1980.

Take notice that on June 23, 1980, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP80–424 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon various field compression and related metering and appurtenant facilities, for the 12-month period commencing October 16, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed construction and abandonment under Section 157.7(g) would not exceed $2,000,000 and no single project would exceed $500,000. Applicant also states that said costs would be financed from available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission 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 and permission and approval for the proposed abandonment are 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. 80–21133 Filed 7–15–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–419]

Natural Gas Pipeline Co. of America; Application

July 9, 1980.

Take notice that on June 20, 1980, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed in Docket No. CP80–419 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide Phillips Petroleum Company (Phillips) with a quantity of gas equal to 25 percent of the total Btu's contained in the raw gas received for Applicant's account by Phillips at several existing and future wellheads located in Lea County, New Mexico, as compensation for Phillips' gathering and transporting the subject gas, 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 has entered into a gas purchase contract with Mapeco Inc., a subsidiary of Applicant,

dated June 1, 1978, to purchase gas supplies available in Lea County, New Mexico, and expects to enter into other contracts to purchase gas in that area and in Townships 18 and 19 South, Range 30 East, Lea County, New Mexico. Applicant states that Phillips has a gathering system in the area and has agreed to gather Applicant's gas at the several wellheads involved and process the gas in one of its processing plants pursuant to gas gathering and processing agreement dated March 1, 1979, as amended March 1, 1980. For this service, Applicant states that it has agreed to permit Phillips to retain 25 percent of the total Btu's contained in the raw gas volume. It is stated that Phillips would deliver the residue gas containing 75 percent of the total Btu's contained in the raw gas at the outlet of its Lusk Plant, Lea County, New Mexico, to El Paso Natural Gas Company (El Paso) which would redeliver equivalent volumes to Applicant pursuant to exchange arrangements between Applicant and El Paso authorized by order issued February 27, 1980, in Docket Nos. CP74–162 and CP74–126. Applicant states that it would not construct facilities to implement the delivery of gas to Phillips.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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. 80–21134 Filed 7–15–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–409]

Panhandle Eastern Pipe Line Co.; Application

July 9, 1980.

Take notice that on June 19, 1980, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80–409 an 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 on behalf of Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to transport and redeliver to Colorado Interstate Gas Company (CIG), for the account of Columbia, gas purchased in the Pickett Lake Unit in Sweetwater County, Wyoming. Pursuant to a gas sales, transportation and gathering agreement between Applicant and Columbia dated May 23, 1980, Applicant states that it would provide a gathering and transportation service for Columbia from various points of receipt in Sweetwater County to the existing point of redelivery at the interconnection of Applicant's and CIG's facilities located in Sweetwater County.

The quantity of gas to be transported pursuant to the May 23, 1980, agreement would be 4,000 Mcf per day on a best-efforts basis with the term of the proposed service to be 15 years, it is stated.

It is stated that Columbia would pay Applicant a transportation charge of 23.60 cents per Mcf and that Columbia would also reimburse Applicant for its share of the fuel usage at Applicant's Tipton Compressor Station in Sweetwater County. Furthermore, as partial consideration for the above described transportation service, Columbia has granted Applicant an option to purchase 25 percent of the volume of gas delivered by Columbia at the points of delivery, with the purchase price of such gas to be the weighted average price which Columbia paid under the terms of its gas purchase contracts, it is said.

Applicants asserts that any additional gathering facilities necessary to connect and gather the subject gas would be constructed pursuant to Applicant's budget authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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 rquired 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. 80–21135 Filed 7–15–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP77–479]

Panhandle Eastern Pipe Line Co. & Trunkline Gas Co.; Petition To Amend

July 9, 1980.

Take notice that on June 19, 1980, Panhandle Eastern Pipe Line company

and Trunkline Gas Company, P.O. box 1642, Houston, Texas 77001, filed in Docket No. CP77-479 a joint petition to amend the order issued December 16, 1977, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the continued transportation of natural gas for Libbey-Owens-Ford Company (LOF), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued December 16, 1977, as amended September 13, 1979, Petitioners were authorized to transport 1,200 Mcf of natural gas per day on a firm basis and up to 1,700 Mcf of natural gas per day on a best-efforts basis for LOF. Petitioners proposed to continue the transportation for LOF of natural gas reserves acquired by LOF in Woods County, Oklahoma. Petitioners state that said gas would be received from LOF in Woods County and redelivered to Transcontinental Gas Pipe Line Corporation, Northern Natural Gas Company and Columbia Gas Transmission Corporation for further transportation and ultimate redelivery to LOF.

Petitioners state that although the term of the transportation contract dated March 31, 1977, was for eight years, the order of December 16, 1977, limited the transportation service to a period of two years. Service commenced, it is asserted, on July 13, 1978. Petitioners propose herein to continue to transport gas for LOF for a period ending July 13, 1986.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 30, 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 protestans 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. 80-21136 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-517]

Texas Gas Transmission Corp.; Motion To Vacate Order [1]

July 9, 1980.

Take notice that on May 27, 1980, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP77-517 an application pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.12) for an order vacating the order which authorized Applicant to transfer natural gas for Fruehauf Corporation (Fruehauf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued August 9, 1978, it was authorized to transport, on an interruptible basis, volumes of natural gas for the account of Fruehauf and deliver such volumes to Memphis Light, Gas and Water Division for ultimate delivery to Fruehauf's plant located in Memphis, Tennessee. Applicant states, however, that it never commenced service in accordance with this authorization.

According to Applicant, it was recently informed by Fruehauf that because of the improved supply situation Fruehauf wished to terminate the transportation service agreement between the parties dated May 25, 1977. It is also stated that in accordance with such request Applicant and Fruehauf entered into a letter agreement dated April 2, 1980, to effectute such termination.

Any person desiring to be heard or to make any protest with reference to said motion to vacate order should on or before July 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary

[FR Doc. 80-21137 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

[1] This filing was styled a notice of withdrawal of application. However, since the application has been granted by order issed August 9, 1978, in the subject docket, the filing will be treated as a motion to vacate order.

[Docket No. TA80-2-18]

Texas Gas Transmission Corp.; Proposed Changes in FPC Gas Tariff

July 9, 1980.

Take notice that Texas Gas Transmission Corporation, on June 27, 1980, tendered for filing Substitute Twenty-Eighth Revised Sheet No. 7 and Second Revised Sheet No. 7-B to its FPC Gas Tariff, Third Revised Volume No. 1.

These sheets are being issued to reflect (1) changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause; (2) the recovery of demand charge adjustments pursuant to the terms of Section 10.5 of the General Terms and Conditions of Texas Gas' tariff; and (3) changes in the Louisiana First Use Tax, pursuant to the provisions of Section 25 of Texas Gas' Tariff, as approved by Commission Order issued May 9, 1979 in Docket No. RP79-31. The filing also reflects changes in costs associated with advance payments, and the cost of transportation of gas by others pursuant to the provisions of Article IX and XI of the Stipulation and Agreement approved by Commission order issued October 11, 1979 in Docket No. RP78-94.

Copies of the filing were served upon the company'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 Sections 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 June 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 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. 80-21138 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-414]

Transcontinental Gas Pipe Line Corp.; Application

July 9, 1980.

Take notice that on June 19, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-414 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 natural gas supply facilities in Hardin and Jefferson Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 4 miles of 6-inch pipeline with metering and regulatory facilities in order to attach new gas supplies from three or four wells located in the vicinity of Doyles Field, Hardin and Jefferson Counties, Texas.

Applicant estimates the cost of the proposed facilities to be $700,000 which would be financed initially through short-term loans and available cash. It is further asserted that permanent financing would be undertaken as a part of an overall long-term financing program at a later date. Applicant states that no new sale or service is proposed and construction would not increase the delivery capacity of Applicant's main transmission system.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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. 80-21139 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-417]

Transcontinental Gas Pipeline Corp.; Application

July 9, 1980.

Take notice that on June 19, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-417 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 natural gas supply facilities in High Island Area, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately one mile of 4-inch pipeline in order to attach new gas supplies to its system from one well drilled in Block 10L, High Island Area, offshore Texas.

Applicant estimates the cost of the proposed facilities to be $450,000 which would be financed initially through short-term loans and available cash. Permanent financing would be undertaken as a part of an overall long-term financing program at a later date. Applicant states that no new sale or service is proposed, and construction would not increase the delivery capacity of Applicant's main transmission system.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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. 80-21140 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-250]

United Gas Pipe Line Co.; Amendment to Application

July 9, 1980.

Take notice that on June 20, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-250 pursuant to Section 7(c) of the Natural Gas Act an amendment to its pending application in the instant docket so as to reflect the reduction in horsepower of its proposed compressor station, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant, in an application filed in the instant docket on February 22, 1980, requested authorization to construct and operate 8.7 miles of 8-inch pipeline and appurtenant facilities, and to install and

operate a 750 horsepower compressor station in Rusk County, Texas.

Applicant states that subsequently it modified the design of the proposed compressor station so that two compressor units generating a total of 680 horsepower would be installed in lieu of the single 750 horsepower unit originally proposed. It is stated that the substitution of the two smaller units would save fuel gas used in compression inasmuch as the two units would be operated either individually or in tandem depending upon the need for compression. Additionally, Applicant states that this design change would result in no additional expenditures.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 30, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-21141 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. CP62-288, CP65-270, CP70-204 and CP67-73]

Valero Transmission Co.; Amendment To Petition To Amend

July 9, 1980.

Take notice that on May 13, 1980, Valero Transmission Company (Petitioner), P.O. Box 1569, San Antonio, Texas 78296, filed in Docket No. CP62-288, *et al.* an amendment to its petition to amend filed on February 7, 1980, pursuant to Section 3 of the Natural Gas Act, so as to request that Docket No. CP67-73 and any other relevant dockets be included in disposition of the amended petition herein, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Petitioner states that on February 7, 1980, it filed an amended petition to amend export authorization and motion to substitute Petitioner as exported under previous authorizations cited. Petitioner now believes that Docket No. CP67-73 is a related docket and should be included in the Commission's action on such amended petition.

It is stated that on April 27, 1967, the Chairman of the Federal Power Commission issued in Docket No. CP67-73 a permit granting Texas Gas Utilities Company (TGUC) authority for the operation, maintenance and continuation of the natural gas transmission facilities pursuant to the application in that proceeding. It is also stated that the same facilities authorized in that permit continued to be operated for the exportation of natural gas to the Republic of Mexico for sale to American Smelting and Refining Company by successors to TGUC until terminated upon expiration of the contract on February 3, 1980.

Petitioner asserts that since its pending amended petition seeks to update the relevant authorizations heretofore issued, Docket No. CP67-73 should be included in the disposition of that amended petition.

Any person desiring to be heard or to make protests with reference to said amendment should on or before July 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-21142 Filed 7-15-80; 8:45 am]

BILLING CODE 6450-85-M

Compliance With the National Environmental Policy Act; Intent To Prepare Environmental Impact Statement and Conduct Public Scoping Meetings

AGENCY: Department of Energy.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) for the commercial feasibility demonstration of one or more surface oil shale retorting processes in the State of Colorado and/or Utah, and to conduct public scoping meetings.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS, in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) to assess the environmental implications of available alternatives in making the decision to demonstrate the commercial feasibility of one of more surface oil shale retorting processes. Full-sized surface modules are proposed for construction and operation by TOSCO Inc. near Bonanza, Utah; by Paraho Development Corporation near Bonanza, Utah; by Superior Oil near Meeker, Colorado; by Cathedral Bluffs Shale Oil Company on the C-b lease tract in Colorado; and the Rio Blanco Oil Shale Company on the C-a lease tract in Colorado.

Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation of the EIS are invited to do so. Interested agencies, organizations, and the general public also are invited to attend any of the public scoping meetings which will be held on August 5, 1980, in Vernal, Utah; on August 6, 1980, in Rifle, Colorado; and on August 7 and 8, 1980, in Denver, Colorado. Input from these meetings will assist DOE in identifying significant environmental issues and in defining the scope of the EIS. Upon completion of the draft EIS, its availability will be announced in the **Federal Register** and local newspapers, and comments will be solicited.

ADDRESS: Written comments or suggestions on the scope of the EIS may be submitted to: Mr. Larry W. Harrington, Laramie Energy Technology Center, U.S. Department of Energy, P.O. Box 3395, University Station, Laramie, WY 82071, Phone: (307) 721-2251.

For general information on DOE's EIS process contact: NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, ATTN: Mr. Steven R. Woodbury, Room 4G-064, Forrestal Bldg., 100 Independence Ave., S.W., Washington, D.C. 20585, Phone: (202) 252-4610.

DATES: Meetings will be held on August 5, 6, 7, and 8, 1980. Written comments postmarked by August 18, 1980 will be considered in the preparation of the EIS.

Background Information

Both the Department of Energy and the Congress have concluded that commerical demonstration of one or more surface oil shale retorting processes is needed. This is not a commerical plant but rather a demonstration of the engineering, economic, and environmental feasibility

of a surface oil shale retorting process at a unit scale considered necessary to prove commerical feasibility. The Congress has now directed DOE to proceed on a cost-sharing basis with industry under the authority of P.L. 95–238 (H.R. 12982, Conference Report No. 95–1672) with an initial appropriation of $15 million, "to solicit industrial interest and for any design studies necessary to choose an industrial partner or partners for construction of a surface module as rapidly as possible." The objective of this action is to stimulate commercial oil shale development by soliciting industry participation in a joint industry/government program. Oil shale from the Green River formation of the western United States will be used.

Oil shale deposits are a vast resource for synthetic crude oil to supplement domestic and imported petroleum. Shale oil is produced by thermal decomposition of the organic material in these deposits. Several retorting technologies have been studied. The most developed technology involves mining and retorting of the oil shale in surface facilities.

Oil shale can be mined by open pit methods or by tunneling laterally from surface outcrops or deep shafts. Commercial operation of surface retorting facilities will require tonnages of mined oil shale that exceed the current production of hardrock mines. However, the logistics of such large-scale mining operations are not the principal impediment to commercial oil shale development. Therefore, although DOE recognizes the need for research and development on improved oil shale mining technology, such research and development is not within the scope of this program.

Once mined, oil shale must be crushed to provide a uniform size distribution for use in a surface retort. Mining and crushing operations may produce some fines that are too small for retorting in combination with the larger shale particles. Commercial crushing and screening equipment is adequate for controlling size distribution with minimum production of fines.

Full use of both coarse and fine shale from crushing may require a combination of retort types for best economics. At least two retort processes for very fine shale particles have been tested at small pilot scale for oil shale, and much larger scale equipment of similar design has been tested with either oil shale or in other industrial applications. These processes use inert heated solids to transfer heat to oil shale. At least three surface retorting processes are known to have been demonstrated at pilot scales ranging from more than 200 tons of oil shale per day to more than 1000 tons per day. Some of these processes have been tested in both direct combustion configurations and in configurations where externally heated gases supply retorting energy. At least one of these processes uses equipment similar to much larger scale equipment used in the metallurgical industry. It is presently believed that several of these retorting processes and their respective modules can be scaled to a size capable of demonstrating the various factors needed for commercial operation. A number of modules of this size would constitute a commercial plant.

In the late 1960s and early 1970s, several companies were developing surface retorting processes in multi-million dollar programs that included large scale technical feasibility demonstration. Some of these companies were well along in engineering design studies and announced plans for commercial scale construction. The U.S. Department of the Interior initiated the Prototype Leasing Program to encourage commercial demonstration of one or more of these processes and to determine the environmental acceptability of such processes to aid in future leasing policy. However, rapid inflation, new and rapidly changing environmental legislation—both State and Federal, and uncertainties related to other government regulatory activities have all combined to inhibit industry from proceeding with the large and high-risk investments necessary to demonstrate commercial viability of oil shale surface retorting technology.

Industry was solicited to participate in Phase I of this cost-shared program by providing DOE with designs and demonstration plans for one or more surface retort modules. Awards for Phase I were made to Superior Oil and Paraho Development Corporation on June 13, 1980. Cathedral Bluffs Shale Oil Company, Rio Blanco Oil Shale, and TOSCO, Inc., notified DOE that they would conduct Phase I at their own expense. After the conclusion of Phase I, one or more designs may be chosen to proceed into Phase II for construction and operation of a demonstration facility.

It is anticipated that Phase I will be completed in approximately 18 months and that Phase II will be approximately 30 months for construction and approximately 24 months for operation. DOE has determined that award of a Phase II contract would be a major Federal action significantly affecting the quality of human environment, within the meaning of NEPA. Therefore, an EIS, as described herein, will be prepared prior to a decision on Phase II funding.

Environmental and Socioeconomic Issues

The following issues will be analyzed during the preparation of the EIS for each alternative in terms of impacts of the demonstration program as well as the impacts of potential commercial operations if the project is expanded after the demonstration program. This list is not intended to be all inclusive, nor is it intended to be a predetermination of impacts.

(1) Socioeconomic: Impacts will be discussed in terms of difficulties that communities may face while coping with the growth associated with the construction and operation of a surface oil shale retort. Measures for mitigating growth problems will be assessed.

(2) Air Quality: Impacts on air quality, including complaince with Federal, Colorado, and/or Utah standards.

(3) Water Quality: Impacts on surface and ground water quality and quantity that will result from the construction of facilities, operation of mines and processing facilities, the storage of spent and raw shale, and reclamation activities. Impacts on water quality and water supplies will be discussed in relation to existing standards. Where standards are not in existance, available information that will further the understanding of potential impacts will be presented.

(4) Ecological Impacts: Discussion will include loss of habitat, threats to endangered species, changes in community structure, and reclamation efforts.

(5) Aesthetic, recreational and cultural impacts.

(6) Noise impacts resulting from plant construction and operation.

(7) Health effects.

Alternatives Including the Proposed Action

The Department of Energy will evaluate available alternatives for a commercial feasibility demonstration of one or more surface oil shale retorting processes in the state of Colorado and/or Utah. DOE is proceeding under the authority of P.L. 95–238 (H.R. 12982, Conference Report No. 95–1672) "to solicit industrial interest and evaluate

design studies in order to choose an industrial partner or partners for construction of a surface oil shale module." This action involves a competitive evaluation which includes technical and economic, as well as environmental factors. The final EIS will be used by the Department of Energy as one basis for its Phase II decisions.

Programmatic alternatives to oil shale development will be evaluated in the EIS. These include increased production of domestic oil and gas, direct coal utilization, coal gasification, coal liquefaction, alcohol fuels, and conservation.

Oil shale alternatives to the surface retorting program will be addressed, including true in situ retorting and modified in situ retorting.

True in situ retorting involves retorting of oil shale in place without mining. This process has had very limited success at depths over 50 feet. The Geokinetics process, in which there is a surface uplift, has enjoyed more success in terms of oil production. Modified in situ retorting involves the creation of permeability by mining a portion of the shale and fracturing into the mined out rooms. This creates a zone of oil shale in place that can be retorted without mining and placing the shale into surface retorts. The modified in situ retort can take on a vertical or horizontal configuration.

The following surface oil shale retorting alternatives will be evaluated:

Alternative 1—Fund no surface retort demonstration projects.

Alternative 2—Fund Superior Oil to construct and operate a 10,000 barrel per day retort demonstration facility. The facility would be located in Colorado.

Alternative 3—Fund Paraho Development Corporation to construct and operate a 10,000 barrel per day demonstration facility at a site near Bonanza, Utah, which is southeast of Vernal, Utah and west of Rangely, Colorado.

Alternative 4—Fund TOSCO Corporation to construct and operate an 18,000 barrel per day demonstration facility at TOSCO's Sand Wash, Utah site. The Sand Wash site is located approximately 30 miles south of Vernal, Utah and 20 miles west of Bonanza, Utah.

Alternative 5—Fund Cathedral Bluffs Shale Oil Company to demonstrate a surface retorting process on the Federal Oil Shale C-b tract in Rio Blanco County, Colorado.

Alternative 6—Fund Rio Blanco Oil Shale Company to demonstrate a surface retorting process on Federal Oil Shale C-a tract in Rio Blanco County, Colorado.

Alternative 7—Fund some combination of the above projects.

Comments and Scoping Meeting

The Council on Environmental Quality's NEPA regulations establish a scoping process involving all interested parties, including the public. Scoping assists the Department to determine the significant issues to be analyzed in depth in an EIS, including possible alternatives, and to eliminate insignificant issues from detailed review. The Department of Energy will conduct a series of public scoping meetings to assist in this process. All interested parties are invited to participate by submitting comments or suggestions in connection with the preparation of the EIS. Written comments or suggestions may be submitted in lieu of, or in addition to, participation at a scoping meeting. Those desiring to submit comments or suggestions for issues to be addressed in the draft EIS should submit them to: Larry W. Harrington, U.S. Department of Energy, Laramie Energy Technology Center, P.O. Box 3395, University Station, Laramie, WY 82071, Phone: (307) 721–2251.

Those wishing to participate in the scoping process may attend public meetings at the following times and locations:

Vernal, Utah, August 5, 1980, 7:00 p.m. to 10:00 p.m., Vernal Junior High School, 721 W 100 S;

Rifle, Colorado, August 6, 1980, 7:00 p.m. to 10:00 p.m., Colorado Mountain College, 703 Railroad Avenue;

Denver, Colorado, August 7, 1980, 7:00 p.m. to 10:00 p.m., August 8, 1980, 9:00 a.m. to 12:00 noon, Holiday Inn—Airport, 4040 Quebec Street.

The meeting will not be conducted as an evidentiary hearing and those who choose to make statements may not be cross-examined by other speakers.

In order to facilitate arrangements for the scoping meetings, those wishing to participate are requested to contact Mr. Larry Harrington at the above address by July 31, 1980.

Written comments or suggestions may also be submitted prior to the scoping meeting. Written and oral comments will be given equal weight. Speakers are requested to provide a telephone and/or mailing location so that they can be contacted prior to the meeting in the event that there is a change in scheduling.

Persons who have not submitted a request in advance may register to speak at a public meeting. DOE reserves the right to arrange the schedule of presentation and to establish procedures governing the conduct of the meeting in order to maximize the number of participants and assure a broad spectum of viewpoints. However, the actual allocation of time for speakers will depend upon the number of persons requesting to be heard. Normally, presentations by individuals will be limited to 10 minutes. However, more time may be allowed to representatives of organizations. Those persons wishing to speak on behalf of an organization should identify their organizational affiliation in their request.

Should any speaker desire to provide further information for the record subsequent to the meeting, it may be submitted in writing by August 18, 1980.

A transcript of the scoping meeting will be made available for inspection at the Public Reading Room, room 5B–180, Forrestal Building, 1000 Independence Ave., NW, Washington, D.C. 20585, between 8:00 a.m. and 4:00 p.m. Monday through Friday; the U.S. Department of Energy, 1075 So. Yukon St., Lakewood, Colorado; and in local public libraries in Meeker, Rifle, and Grand Junction, Colorado; and in Vernal, Utah.

Upon completion of the draft EIS, its availability will be announced in the **Federal Register** and local newspapers; public comments will again be solicited.

Those not desiring to submit comments or suggestions at this time but who would like to receive a copy of the draft EIS for review and comments when it is issued should contact Mr. Larry Harrington at the address given earlier in this notice.

All suggestions, comments and questions submitted to the DOE prior to August 18, 1980, will be carefully considered in the preparation of the draft Environmental Impact Statement. Comments received after August 18 will be considered to the extent practicable.

Dated at Washington, D.C. this 14th day of July for the United States Department of Energy.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 80–21437 Filed 7–15–80; 10:49 am]

BILLING CODE 6450–01–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 138
Wednesday, July 16, 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 FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, July 25, 1980.

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

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance briefing.

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

[S-1355-80 Filed 7-14-80; 1:14 pm]
BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 17, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the open meeting which is scheduled to commence at 9:30 a.m.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Common Carrier—1—Western Union Telegraph Company Inquiry.

Assignment and Transfer—1—Assignment of Stations KLBK and KLBK-FM, Lubbock, Texas, from Grayson Enterprises, Inc., to Southern Minnesota Broadcasting Company.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 11, 1980.

[S-1357-80 Filed 7-14-80; 2:39 pm]
BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 17, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item, and Subject

General—1—*Title:* Third Report & Order in Docket 20817, Elimination of the third class permit. *Summary:* To institute a new permit called the "Marine Radio Operator Permit," to abolish the third class permit, and to change the order of administering examinations.

General—2—*Title:* Petition for Rulemaking filed by the Administrative Law Section of the American Bar Association seeking amendment of Section 1.1115 of the Commission's Rules (RM-3157). *Summary:* The Administrative Law Section of the ABA seeks amendment of Section 1.115 of the Rules so that a bureau recommendation regarding an application for review would be publicly filed as a "pleading." Petitioner also requests that the party filing the application for review be permitted to reply to that "pleading" as a matter of right. Under Petitioner's proposal, the Commissioners and their staff would then evaluate these pleadings in acting upon the application for review.

General—3—*Title:* An Inquiry relating to preparations for the 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for the planning of the Broadcasting-Satellite Service in the 12 GHz Band and the Associated Uplinks. *Summary:* The Commission has initiated public participation in preparation for a regional conference for planning of the broadcasting-satellite service in the Americas. This conference will allow the orderly introduction of this service into the region.

General—4—*Title:* Petition for Rule making asking that the Commission adopt a predesignation procedure prior to Commission consideration of an investigatory report. *Summary:* Proposed Procedure would make investigatory report, witness statements, and staff recommendation available to the broadcast licensee under investigation prior to Commission consideration.

General—5—*Title:* Report and Order to amend the rules to provide for the transmission of motion pictures or other program material to hotels or other similar locations using microwave frequencies available under Part 94. *Summary:* The FCC will consider whether to amend Part 94, Private Operational-Fixed Microwave Service, to specify the conditions, including frequency assignments, applicable to the transmission of program material on frequencies assignable under that Part. Adoption of these amendments would allow a licensee to transmit the licensee's program material and services to the licensee's customers, but only in certain frequency bands. Over the past several years, the FCC has received numerous requests to license this use of private microwave facilities.

General—6—This item presents the proposed fiscal year 1982 Budget submission for the Federal Communications Commission.

General—7—*Title:* Petition filed by General Electric Company for a waiver of Section 18.142(b) and (c) to permit the marketing of an Electronic Halarc light bulb. *Summary:* The Commission considers a petition from GE for waiver of certain of its Part 18 regulations to permit GE to market its Electronic Halarc light bulb—an energy saving light source that involves the use of RF energy.

Private Radio—1—*Title:* Addition of new Subpart H, Amateur-Satellite Service, to Part 97 of the Commission's Rules and Regulations. *Summary:* The Commission will consider whether or not to adopt final rules to govern stations operating in the Amateur-Satellite Service.

Private Radio—2—*Title:* Petition filed by Common Carrier Association for Telecommunications requesting the Commission to take enforcement action against six named Amateur radio licensees. *Summary:* Petitioner, Common Carrier Association for Telecasters, alleges that six named Amateur raido licensees violated Section 605 of the Communications Act by being involved in the publication of an article which provides the reader with a working knowlede of multipoint distribution service (MDS) receivers and information on building MDS receivers for alleged use in the illegal interception of MDS signals. Petitioner requests cease and desist action, criminal prosecutions, and monetary forfeitures against the six. In proposed memorandum opinion and order the staff recommends dismissal of the petition.

Private Radio—3—*Title:* Memorandum Opinion and Order to amend Part 90 of the Commission's Rules to require frequency coordination in the Police and fire Radio Services for the use of F3Y (digital voice) or F9Y (digital data) emission. *Summary:* The Commission will consider amending its Rules to require prior coordination of applications in the Police and Fire Radio Services for the use of F3Y (digital voice) or F9Y (digital data) emission.

Common Carrier—1—*Title:* Formal Complaint against Western Union Telegraph Company, filed by ITT World Communications, Inc. (File No. TS 8–77) and RCA Global Communications Inc. (File No. TS 15–77) and related petitions for interconnection. *Summary:* These complaints and petitions raise questions concerning Western Union's obligation to interconnect its TWX and Telex networks with international carriers in the traditional gateway cities. The complaints allege violations of Sections 201 and 202 of the Communications Act.

Common Carrier—2—*Title:* In the Matter of: American Satellite Corp., Continental Telephone Corp., Fairchild Industries, Inc. Application for Authority to Assign Permits, Licenses, Certificates and Authorizations to a Partnership. *Summary:* The Commission will consider whether or not to grant the application of American Satellite Corp., Continental Telephone Corp., and Fairchild Industries for assignment and transfer of certain licenses, permits, and authorizations to the American Satellite Company, a partnership between Fairchild Industries and Continental Telephone.

Common Carrier—3—*Title:* Final Report of Investigation into the utilization of the AT&T/GSAT (Comstar) domestic satellite system (CC Docket No. 79–87). *Summary:* The initial report in this investigation was released for public comment on December 14, 1979. The Commission will now consider the Bureau's Final Report, prepared after submission of comments by interested parties.

Common Carrier—4—*Title:* Motions for Stay, pending reconsideration, of the *Final Decision* in Docket No. 20828 (Second Computer Inquiry). *Summary:* The Commission will consider motions which request that the effective date of that portion of the *Final Decision* which holds that enhanced services are not common carrier services subject to Title II regulation be stayed pending reconsideration, and for six months thereafter, to permit an orderly transition to a contract-based customer relationship.

Renewal—1—*Title:* EEO Goals and Timetables. *Subject:* Updated EEO program with goals and timetables for Station WDAK, Columbus, Georgia.

Renewal—2—*Title:* Roy H. Park Broadcasting of Virginia, Inc.'s applications for renewal of licenses for Stations WTVR, WTVR–FM, and WTVR–TV, Richmond, Virginia. *Summary:* Stations WTVR, WTVR–FM and WTVR–TV were granted short-term license renewals which expired on December 1, 1979. The Commission now considers the adequacy of the stations' EEO program and their current implementation efforts.

Renewal—3—*Title:* License renewal applications of the University of North Carolina at Chapel Hill, licensee of station WUNC, Chapel Hill, North Carolina, and the Board of Governors of the University of North Carolina, licensee of stations WUNC–TV, Chapel Hill; WUND–TV, Columbia; WUNE–TV, Linville; WUNF–TV, Asheville; WUNG–TV, Concord; WUNJ–TV, Wilmington; WUNK–TV, Greenville; and WUNL–TV, Winston-Salem, North Carolina. *Summary:* The Coalition for Responsive Media requests denial of the broadcast license renewal applications of the University of North Carolina at Chapel Hill and the Board of Governors of the University of North Carolina for alleged discriminatory employment practices and violations of public file rules.

Aural—1—*Title:* Request by Mobile Video Tapes, Inc. for issuance of an Order to Show Cause pursuant to Section 312(b) of the Act. *Summary:* Certain individuals d/b/a Media Productions are producing television programming at a studio facility in McAllen, Texas and physically transporting this prerecorded programming to Station XRIO–TV, Matamoras, Mexico, for purpose of broadcast receivable in the United States. Media Productions does not have a permit pursuant to Section 325(b) of the Act.

Aural—2—*Title:* Application of Santa Monica Broadcasting, Inc. (KSRF–FM), Santa Monica, California (BPH–790130AC). *Summary:* The Commission considers an application for a construction permit for a modification of KSRF–FM's facilities and a petition to deny filed by Hutton Broadcasting, Inc., licensee of Station KOCM–FM, Newport Beach, California.

Television—1—*Title:* Applications to construct four new TV translator stations (file Nos. BPTT–3617, 3626, 3627 and 780911IA) filed by U.P. TV Systems, Inc., are the subject of Petitions to Deny filed by Teleprompter. *Summary:* The Petitions raise questions regarding (a) use of the translators to relay the TV signals to fixed points as a substitute for common carrier in violation of Section 74.731(c) of our Rules; (b) concentration of control and multiple ownership questions; and (c) and the signal interference potential with respect to the channel 53 application.

Television—2—*Subject:* Petition for Reconsideration of the return of the application of Dogwood Broadcasting Corporation (ARN–800229KH) for a construction permit for a new TV station to operate on Channel 19, Nacogdoches, Texas. *Summary:* Texan Broadcasting Company's application for Channel 19 was dismissed and later reinstated—but without public notice. Texan's application was subsequently designated for hearing but not before Dogwood submitted an application for the same channel. The questions before the Commission are whether Texan's dismissal voided its earlier cut-off date and whether Dogwood was afforded insufficient notice that Texan's application was reinstated.

Television—3—*Title:* Application (BPCT–4617) for a C.P. for changes in facilities of KAIT/TV, channel 6, Jonesboro, Arkansas. *Summary:* VHF station seeks to make certain changes in its facilities which would result in overlap of its Grade B contour with a UHF station's city grade contour for the first time. The issue before the Commission is whether the applicant has made the prima facie showing required by *WFMY* that the grant of the proposed modification would be inconsistent with the public interest. The objector is a satellite station.

Television—4—*Title:* Application for C.P. to construct a new commercial UHF station in Tomah, Wisconsin (BPCT–790522KF). *Summary:* Applicant has applied for the only television channel allocated to Tomah, Wisconsin and its parent corporation is the licensee of the only AM and FM stations licensed to the town. Due to the parent corporation's broadcast interest within Tomah, a one-to-a-market issue is raised. The issue is whether a hearing is required under Note 8 of 73.636 to determine whether a grant would be in the public interest, convenience and necessity.

Television—5—*Title:* Application (BPCT–790215KF) for C.P. for a new commercial TV station to operate on Ch. 66, Marlborough, Mass. *Summary:* UHF: applicant is a wholly-owned subsidiary of licensee of an AM station in the same market. The Grade A contour of the proposed station would encompass the AM's community of license, therefore a one-to-a-market problem is raised. The issue before the Commission is whether the applicant has made a sufficient showing to justify Commission action under Note 8 to Section 73.636 (one-to-a-market rule).

Broadcast—1—*Title:* Docket 21310, FM Quadraphonic Broadcasting. *Summary:* The Commission considers the responses to the Further Notice of Inquiry in the FM quadraphonic proceeding. That document sought information on the impact FM quadrphonic transmissions would have on the ability of the FCC to later consider reducing the FM channel spacing.

Broadcast—2—*Title:* Memorandum Opinion and Order in RM–2195, considering revision of Aural STL and Intercity Relay Station Rules to allow news-wire teleprinter signals. *Summary:* The Commission will consider a petition submitted by Wycom Corporation that it amend it's rules regarding aural studio-transmitter-link stations and aural intercity relay stations to specifically permit the transmission of news-wire teleprinter signals on a subcarrier of an aural STL or intercity relay station.

Complaints and Compliance—1—*Subject:* Petition for Reconsideration of Commission's Order, released April 10, 1979, affirming the Broadcast Bureau's June 21, 1978 denial of the Ridgewood Group's April 25, 1978 Fairness Doctrine complaint against WNBC–TV, New York, New York. *Summary:* The FCC will consider whether to grant or deny a Petition for Reconsideration of the Commission's denial of Ridgewood Group's Application for Review (71 FCC 2d 385) of a staff ruling denying the Group's Fairness Doctrine complaint (71 FCC 2d 387). The Commission must decide whether the Group has presented information sufficient to warrant reversal of the staff's finding and the Commission's affirmation that NBC was not unreasonable in determining that the miniseries, Holocaust, did not present a controversial issue of public importance.

Complaints and Compliance—2—*Title:* Petitions for Reconsideration filed by National Association of Broadcasters, Iowa Broadcasters Association and 19 individual

Iowa licenses concerning Declaratory Ruling that Section 315(b)(1) (lowest unit charge) is applicable to Iowa caucus process. *Summary:* The Commission will reconsider an earlier ruling that broadcasters in Iowa must offer candidates for public office, prior rates offered commercial advertisers. Before this ruling the "lowest elections." In this instance, the Broadcast Bureau determined that the Iowa caucuses were substantially the same as primary elections and should be treated in the same way. This determination was based on the opportunity afforded the general public to participate in the Iowa caucus process.

Complaints and Compliance—3—*Subject:* Application for Review, filed October 19, 1979, of the Broadcast Bureau's October 2, 1979 ruling denying the complaint of Mr. Warren J. Moity, Sr., against 12 Louisiana Stations. *Summary:* The FCC will consider whether to grant or deny an Application for Review of a staff ruling that 12 Louisiana stations were not unreasonable in refusing to seel program time to Mr. Warren J. Moity, Jr., who at the time of his complaint was a condidate for Louisiana State Insurance Commissioner.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: July 11, 1980.

[FR Doc. S–1358–80 Filed 7–14–80; 2:42 pm]

BILLING CODE 6712–01–M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published July 14, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 16, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number, and Company

CAG–28: CP79–264, Northern Natural Gas Company, A Division of InterNorth, Inc., Florida Gas Transmission Company and Southern Natural Gas Company.

Kenneth F. Plumb,

Secretary.

[S–1352–80 Filed 7–11–80; 4:23 pm]

BILLING CODE 6450–85–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: July 17 and 18, 1980.

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

STATUS: Open.

MATTERS TO BE CONSIDERED: Thursday, July 17.

10 a.m.

1. Briefing on Identification of New and Unresolved Safety Issues (approximately 1½ hours, public meeting).

2 p.m.

1. Time Reserved for Discussion of Indian Point (approximately 1½ hours, public meeting).
2. Discussion and Vote (or Affirmation) on Final Rulemaking on Emergency Preparedness (approximately ½ hour, public meeting).
3. Affirmation Session (approximately 10 minutes, public meeting).
   a. Delegation of Authority in Export-Related Areas
   b. Criteria for Evaluation of Agreement States
   c. FOIA Request of Dr. Welt
   The following items are tentative:
   d. Reducing Procedural Cost Burdens
   e. Implementation of IAEA Safeguards Requirements for NRC Licenses
   f. Petition by UCS/NRDC to Amend Rulemaking Practices
   g. NRC Security Clearance Program Modifications
   h. Intervention Petition in Split Rock Mill Licensing
4. Time Reserved for Discussion and Vote on Affirmation Items (if required) (approximately 15 minutes, public meeting).

Friday, July 18:

10:30 a.m.

1. Discussion of Waste Management Legislation (approximately 1½ hours, closed—Ex 9).

2:30 p.m.

1. Fiscal year 1982 Budget Review—EDO/CON Overview (approximately 2 hours, public meeting).

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

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

July 10, 1980.

Roger M. Tweed,

Office of the Secretary.

[S–1356–80 Filed 7–14–80; 1:15 pm]

BILLING CODE 7590–01–M

6

POSTAL RATE COMMISSION.

TIME AND DATE: 8:15 a.m., Thrusday, July 17, 1980.

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

STATUS: Open.

MATTERS TO BE CONSIDERED: Draft Notice of Proposed Rulemaking for Experimental Classification Proposals.

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–1353–80 Filed 7–14–80; 12:01 pm]

BILLING CODE 7715–01–M

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [45 FR 45755 July 7, 1980]

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, July 1, 1980.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled on Tuesday, July 15, 1980, at 10 a.m.:

Settlement of proposed enforcement action.
Institution of injunctive action.
Administrative proceeding of an enforcement nature.

Chairman Williams and Commissioners Loomis and Evans 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 certain meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Granda at (202) 272–2209.

July 11, 1980.

[S–1354–80 Filed 7–14–80; 12:08 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
July 16, 1980

Part II

Environmental Protection Agency

Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Interim Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL 1539-3]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is amending Subpart D of this Part to add eighteen wastes to the final list of hazardous wastes which the Agency promulgated on May 19, 1980, under Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA). The effect of adding these wastes to the hazardous waste list will be to make them subject to the management standards issued by EPA under Sections 3002 through 3006 and 3010 of RCRA (40 CFR Parts 122 through 124 and 262 through 265 and 45 FR 12746).

Additionally, EPA is amending Appendix VII to this Part ("Basis for Listing Hazardous Waste") to include the toxic constituents for which these wastes are being listed and is revising Appendix VIII ("Hazardous Constitutents") to add three toxic constituents and to delete one.

DATES: Effective Date: These regulations become effective on January 16, 1981.

Comment Date: EPA will accept public comments on these amendments until September 15, 1980.

Compliance Dates: Persons handling wastes listed in these regulations must notify EPA of their activities under Section 3010 of RCRA no later than October 14, 1980. They may, if they desire, include these wastes in the August 18, 1980, notification triggered by the May 19, 1980, publication of EPA's initial hazardous waste list. Notification instructions are set forth in 45 FR 12746 (February 26, 1980).

Beginning on January 16, 1981, persons handling wastes listed in these regulations must comply with all applicable standards for hazardous waste generators and transporters and owners and operators of hazardous waste management facilities set forth in 40 CFR Parts 122 through 124 and 262 through 265 (45 FR 33123 (May 19, 1980)).

All existing hazardous waste management facilities (as defined in 40 CFR 122.3) which treat, store or dispose of wastes listed in these regulations and wish to qualify for interim status under Section 3005(e) of RCRA must file a notification by October 14, 1980 and a permit application by January 16, 1981. Facilities which have already qualified for interim status will not be able to handle the wastes listed in these regulations after January 16, 1981 unless they file a notification by October 14, 1981 and submit an amended permit application (*see* 40 CFR 122.23(i)(1)).

ADDRESSES: Comments should be sent to Docket Clerk [Docket No. 3001], Office of Solid Waste [WH-562], U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Public Docket: The public docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., and is available for viewing from 9 a.m. to 4 p.m. Monday through Friday, excluding holidays. The docket contains background documents which explain the basis for listing these wastes as hazardous.

Copies of the Regulations: Single copies of this regulation will be available approximately thirty (30) days after date of publication (August 15, 1980) from Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 W. Saint Clair Street, Cincinnati, Ohio 45268, (513) 684-5362. Single copies of EPA's notification instructions and the May 19, 1980, regulations are also available from Mr. Cox.

FOR FURTHER INFORMATION CONTACT: For general information, contact Matthew A. Straus, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9187. For information on implementation contact:

Region I, Dennis Huebner, Chief, Radiation, Waste Management Branch, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-5777.

Region II, Dr. Ernest Regna, Chief, Solid Waste Branch, 26 Federal Plaza, New York, New York 10007, (212) 264-0504/5.

Region III, Robert L. Allen, Chief, Hazardous Materials Branch, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-0980.

Region IV, James Scarbrough, Chief, Residuals Management Branch, 345 Courtland Street, NE., Atlanta, Georgia, 30365, (404) 881-3016.

Region V, Karl J. Klepitsch, Jr., Chief, Waste Management Branch, 230 South Dearborn Street, Chicago, Illinois, 60604, (312) 886-6148.

Region VI, R. Stan Jorgensen, Chief, Solid Waste Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270, (214) 767-2645.

Region VII, Robert L. Morby, Chief, Hazardous Materials Branch, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 374-3307.

Region VIII, Lawrence P. Gazda, Chief, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-2221.

Region IX, Arnold R. Den, Chief, Hazardous Materials Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-4606.

Region X, Kenneth D. Feigner, Chief, Waste Management Branch, 1200 6th Avenue, Seattle, Washington 98101, (206) 442-1260.

SUPPLEMENTARY INFORMATION:

Additional Listings. On May 19, 1980, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published a list of hazardous wastes (Subpart D of this Part), which included 85 process wastes and 361 commercial chemical products (45 FR 33123-33127). In the preamble to that regulation (45 FR 33087), we stated that we intended to amend this list in June to add twenty-five wastes which we had proposed for listing on December 18, 1978 (43 FR 58957-58959) or August 22, 1979 (44 FR 49403-49404), but for which final listing decisions could not be made, and final background documents could not be prepared, in time for the May promulgation (Appendix A, 45 FR 33117-33118).

Eighteen of these wastes are being added to EPA's hazardous waste list today. Included in this supplemental list are wastes from industrial painting and wastes from the production of paint, ink, organic chemicals, inorganic chemicals, veterinary pharmaceuticals, iron and steel, aluminum and ferroalloys. EPA has evaluated all of these wastes against the criteria for listing toxic wastes contained in § 261.11(a)(3) and has determined that they pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.[1]

Decision Not to List Certain Wastes at this Time. EPA is deferring final action on six of the wastes listed in Appendix A for the following reasons:

- *Woven fabric dyeing and finishing wastewater treatment sludges.* After

[1] One waste, solvent cleaning wastes from equipment and tank cleaning from paint manufacturing, is also being listed because it exhibits EPA's ignitability characteristic. *See § 261.11(a)(1). Two wastes (Numbers 10 and 11 in Appendix A, 45 FR 33118) have been combined into one listing.*

further review, we have decided that we have insufficient information on which to go forward with this listing at this time. In addition, waste extraction data submitted by the textiles industry indicates that toxic constituents present in the waste do not migrate from the waste in significant concentrations. Moreover, the toxic constituent of concern (chromium) believed to be present in these wastes is no longer used in the production process in significant quantities.

• *Arsenic-bearing sludges from the purification process in the production of antimony oxide.* These wastes are no longer generated.

• *Wastewater treatment sludge from the diaphragm cell process using graphite anodes in the production of chlorine; wastewater treatment sludge from the production of titanium dioxide pigment using chromium-bearing ores by the sulfate process; and antimony-bearing wastewater treatment sludge from the production of antimony oxide.* After further review, we have decided that we have insufficient information on the concentrations and migratory potential of the hazardous constituents of these wastes to list these wastes at this time. The Agency intends, however, to study these wastes further to determine whether they should be listed.

• *Lead-bearing wastewater treatment sludge from gray iron foundries.* We are deferring a final listing decision on this waste pending completion of EPA's ongoing study of wastes generated by the gray iron foundry industry.

In addition to deleting certain wastes, our final support work indicated that we should make additions to the list. Therefore, elsewhere in today's **Federal Register**, we are proposing to add seven wastes to the hazardous waste list.

Appendix VII. When EPA lists a waste as hazardous because of its toxicity, we identify, in Appendix VII to this Part, the toxic constituent which led EPA to list it. Appendix VII is, therefore, being amended to include the toxic constituents of concern for the eighteen wastes promulgated today.

Appendix VIII. EPA's criteria for listing toxic waste (T) provide that a waste will be listed if it contains any of a number of toxic constituents designated in Appendix VIII of this Part, unless, after consideration of certain specified factors, the Agency concludes that the wastes does not meet the statutory definition of hazardous waste (*see* § 261.11(a)(3)). Appendix VIII is a list of toxic constituents which have been shown in reputable scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms.

In developing the supplemental list of wastes published today, the Agency has identified three additional toxicants which have been shown in reputable scientific studies to be of regulatory concern to the Agency and which should, therefore, be included in Appendix VIII. These constituents—aniline, diphenylamine and phenylenediamine—are all contained in distillation bottoms from aniline production and have been shown to be either toxic or experimental carcinogens or teratogens. Additional information on the adverse health effects of these compounds is contained in the listing background document for distillation bottoms from aniline production.

Additionally, one of the toxic constituents currently listed in Appendix VIII—chlorotoluene—is being deleted from Appendix VIII. After further investigation, the Agency has decided that this compound is of low regulatory concern due to its low chronic toxicity and its lack of genetic activity.

Interim Final Provisions. EPA is publishing this list of hazardous wastes and the amendments to Appendices VII and VIII as interim final regulations. This means that, although these regulations are promulgated for purposes of the 90-day notification requirement under Section 3010(a), the six-month effective date under Section 3010(b) and the 90-day petition deadline under Section 7006, the public will have an additional opportunity to comment on them prior to publication in "final" final form. EPA has substantially upgraded and revised the background documents for these wastes since they were proposed in December 1978 and August 1979, and therefore feels that additional opportunity to comment is appropriate.

Environmental, Economic, and Regulatory Impacts

In accordance with Executive Order 11821, as amended by Executive Order 11949, and Executive Order 12044, EPA has prepared an Economic Impact Analysis and a Regulatory Analysis of the hazardous waste program. The Agency has also voluntarily prepared an Environmental Impact Statement of this program under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*

Copies of these documents, and EPA's Reports Impact Analysis and Operations Resources Impact Analysis for all of the hazardous waste regulations may be viewed in all EPA Regional Office Libraries, and at EPA headquarters library, Room 2404, 401 M Street, SW., Washington, D.C. 20460.

Dated: July 7, 1980.

Douglas M. Costle,

Administrator.

Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 261.31, add the following waste streams:

§ 261.31 Hazardous waste from nonspecific sources.

Industry	EPA hazardous waste No.	Hazardous waste	Hazard code
Generic	F017	Paint residues or sludges from industrial painting in the mechanical and electrical products industry.	(T)
	F018	Wastewater treatment sludge from industrial painting in the mechanical and electrical products industry.	(T)

2. In § 261.32, add the following waste streams:

§ 261.32 Hazardous waste from specific sources.

Industry	EPA hazardous waste No.	Hazardous waste	Hazard code
Inorganic Chemicals	K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
	K073	Chlorinated hydrocarbon wastes from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
	K074	Wastewater treatment sludges from the production of TiO_2 pigment using chromium bearing ores by the chloride process.	(T)
Paint Manufacturing	K078	Solvent cleaning wastes from equipment and tank cleaning from paint manufacturing.	(I, T)
	K079	Water or caustic cleaning wastes from equipment and tank cleaning from paint manufacturing.	(T)
	K081	Wastewater treatment sludges from paint manufacturing	(T)
	K082	Emission control dust or sludge from paint manufacturing	(T)
Organic Chemicals	K083	Distillation bottoms from aniline production	(T)
	K085	Distillation or fractionating column bottoms from the production of chlorobenzenes.	(T)

Industry	EPA hazardous waste No.	Hazardous waste	Hazard code
Ink Formulation	K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	(T)
Veterinary Pharmaceuticals	K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
Coking	K087	Decanter tank tar sludge from coking operations	(T)
Primary Aluminum	K088	Spent potliners from primary aluminum reduction	(T)
Ferroalloys	K090	Emission control dust or sludge from ferrochromium-silicon production.	(T)
	K091	Emission control dust or sludge from ferrochromium production	(T)
	K092	Emission control dust or sludge from ferromanganese production.	(T)

3. In Appendix VII (Basis for Listing Hazardous Waste) add the following after F016:

EPA hazardous waste number	Hazardous constituents for which listed
F017	Cadmium, chromium, lead, cyanides, toluene, tetrachloroethylene.
F018	Cadmium, chromium, lead, cyanide, toluene, tetrachloroethylene.

4. In Appendix VII (Basis for Listing Hazardous Waste) add the following after K069:

EPA hazardous waste number	Hazardous constituents for which listed
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K074	Chromium.
K078	Chromium, lead.
K079	Lead, mercury, benzene, carbon tetrachloride, methylene, chloride, tetrachloroethylene, naphthalene, di(2-ethyl hexyl)phthalate, di-n-butylphthalate, toluene.
K081	Chromium, lead, mercury, nickel, methylene chloride, toluene.
K082	Antimony, cadmium, chromium, lead, nickel, silver, cyanides, phenol, mercury, pentachlorophenol, vinyl chloride, 3,3'-dichlorobenzidene, naphthalene, di(2-ethylhexyl)phthalate, di-n-butylphthalate, benzene, toluene, carbon tetrachloride, methylene chloride, trichloroethylene.
K083	Aniline, nitrobenzene, diphenylamine, phenylenediamine.
K084	Arsenic.
K085	Benzene, monochlorobenzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Chromium, lead.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).
K090	Chromium.
K091	Chromium, lead.
K092	Chromium, lead.

5. In Appendix VIII (Hazardous Constituents) add the following constituents alphabetically:

— aniline
— diphenylamine
— phenylenediamine

6. In Appendix VIII (Hazardous Constituents) delete:

— chlorotoluene, N.O.S.

[FR Doc. 80-21186 Filed 7-15-80; 8:45 am]
BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL 1539-4]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to add seven wastes to its list of hazardous wastes which was initially promulgated on May 19, 1980, under Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA) and which is being expanded today in another Section of the **Federal Register.** The effect of adding these wastes to the hazardous waste list will be to make the wastes subject to the management standards issued by EPA under Sections 3002 through 3006 and 3010 of RCRA (40 CFR Parts 262 through 265 and 122 through 124 and 45 FR 12746).

DATES: EPA will accept public comments on this proposed listing until September 15, 1980. Any person may request a hearing on this proposal by filing a request with John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460, by August 6, 1980. The request must contain information prescribed in 40 CFR § 260.20(d).

ADDRESSES: Comments should be addressed to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001."

The public docket for this proposed rulemaking is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Matthew A. Straus, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION: Section 3001 of RCRA requires EPA to publish criteria for listing hazardous waste and to list particular hazardous wastes. On May 19, 1980 (45 FR 33084), EPA published interim final criteria for listing hazardous wastes (§ 261.11), along with an interim final list of hazardous wastes (Subpart D of this Part). This list is being expanded by the Agency's promulgation of an additional eighteen wastes which appear in another section of today's **Federal Register.** The Agency is now proposing to add seven wastes to the list of hazardous waste which EPA has determined meet its interim final listing criteria.

Included in this proposed supplemental listing are two wastes generated from the manufacture of veterinary pharmaceuticals, three wastes from the production of organic chemicals, one waste from the production of chlorine and one waste from the iron foundry industry. All seven of these wastes were identified by the Agency in the course of developing the necessary technical data to support the supplemental hazardous waste list promulgated today.

These wastes and the hazards they may pose to human health and the environment are:

(1) *Distillation tar residues and activated carbon residues from the manufacture of veterinary pharmaceuticals.* These two wastes contain high concentrations of arsenic, a highly toxic element. If these wastes are improperly managed, the arsenic can migrate from the waste and contaminate surface or ground water. Indeed, arsenic contamination of ground and surface waters actually has resulted from the improper management of these and other process wastes.

(2) *Process residues from aniline extraction in the production of aniline and wastewater generated from nitrobenzene/aniline production.* These two wastes contain a number of constituents which pose chronic toxicity hazards and have also caused cancer in laboratory animals. Under improper management conditions, these constituents could migrate from the waste and contaminate surface or ground water or could be released to the atmosphere by volatilization and pose a hazard via an inhalation exposure pathway.

(3) *Separated aqueous stream from reactor product washing step in the batch production of chlorobenzenes.* The Agency believes that this waste contains significant concentrations of a number of toxic compounds, some of which have also been identified as carcinogenic. Under improper disposal conditions, these constituents could migrate from the waste and contaminate surface or ground water.

(4) *Wastewater treatment sludge from the mercury cell process in chlorine production.* This waste has been shown to contain significant concentrations of the toxic heavy metal mercury. Under improper disposal conditions, this contaminant could migrate from the waste and contaminate surface or ground water. Substantial environmental damage has in fact resulted from mismanagement of this waste.

(5) *Emission control dust from gray and ductile iron foundry cupola furnaces.*[1] This waste has been shown to release high concentrations of the heavy metals cadmium and lead when subjected to EPA's extraction procedure, and also are generated in large quantities. If this waste is improperly managed, therefore, large scale contamination of surface water or ground water may result.

Background Documents

Background documents have been prepared in support of this proposed rule. Copies are available for review in all EPA Regional office libraries, in the EPA headquarters (Public Information Reference Unit) Room 2404, Waterside Mall, 401 M Street, S.W., Washington, D.C. and in the docket located in Room 2711, Waterside Mall, 401 M Street, S.W., Washington, D.C.

Economic, Environmental and Regulatory Impacts

In accordance with Executive Order 11821, as amended by Executive Order 11949 and Executive Order 12044, EPA has prepared an Economic Impact Analysis and a Regulatory Analysis of the hazardous waste program. The Agency has also voluntarily prepared an Environmental Impact Statement on this program under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* EPA requests, however, that any data commenters have on the generation rates of the wastes listed in the proposal, current management costs and practices for these wastes, and the costs or economic impacts of the proposed regulations be sent to John P. Lehman at the address listed above.

Dated: July 7, 1980.

Douglas M. Costle,

Administrator.

It is proposed to amend Title 40 CFR, Part 261, by revising 40 CFR, Part 261 as follows:

[1] As noted in the preamble to the supplemental hazardous waste list being promulgated today, EPA is deferring a final listing decision on wastewater treatment sludges from gray iron foundries pending completion of an on-going waste sampling and analysis program for the gray iron foundry industry.

§ 261.32 [Amended]

1. In § 261.32, add the following waste streams:

Industry	EPA hazardous waste No.[1]	Hazardous waste	Hazard code
Veterinary Pharmaceuticals		Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
		Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
Organic Chemicals		Process residues from aniline extraction from the production of aniline.	(T)
		Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
		Separated aqueous stream from the reactor product washing step in the batch production of chlorobenzenes.	(T)
Gray Iron Foundries and Ductile Iron Foundries		Emission control dust from gray and ductile iron foundry cupola furnaces.	(T)
Inorganic Chemicals		Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)

[1] The EPA Hazardous Waste Number will not be assigned until the listed waste is promulgated.

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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 41 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	HHS/FDA		DOT/SLSDC	HHS/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

40565 6–16–80 / Grapefruit grown in the Interior District in Florida; public member eligibility requirements and nominating procedure

ENVIRONMENTAL PROTECTION AGENCY

40578 6–16–80 / Missouri; revision of air quality implementation plan

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

3732 1–18–80 / Medical devices; procedures for investigational device exemptions

Deadlines for Comments On Proposed Rules for the Week of July 20 through July 26, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

44960 7–2–80 / Filbert import regulations amendment; comments by 7–21–80

[Originally published at 45 FR 24167, 4–9–80]

42314 6–24–80 / Fresh prunes grown in designated counties in Wash. and in Umatilla County, Oreg.; grade and size requirements; comments by 7–21–80

42313 6–24–80 / Fresh Washington peaches; minimum grade and size requirements on shipments; comments by 7–21–80

42626 6–25–80 / Irish potatoes grown in Idaho and Oregon; handling regulation; comments by 7–24–80

43313 6–24–80 / Lemons grown in Calif. and Ariz.; handling regulations; comments by 7–21–80

Commodity Credit Corporation—

37854 6–5–80 / CCC export credit guarantee program; comments by 7–21–80

Foreign Agricultural Service—

33642 5–20–80 / Dairy products; licenses, eligibility restrictions; comments by 7–21–80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

33645 5–20–80 / Looe Key Marine Sanctuary designation; comments by 7–21–80

DEFENSE DEPARTMENT

Engineers Corps, Army Department—

39412 6–10–80 / Water resources policies and authorities; implementation of E.O. 11990—Protection of Wetlands; comments by 7–24–80

ENERGY DEPARTMENT

41649 6–20–80 / DOE sales contracts; disputes clause; comments by 7–21–80

34008 5–21–80 / Electric and hybrid vehicle research, development, and demonstration program; equivalent petroleum based fuel economy calculation; comments by 7–21–80

Economic Regulatory Administration—

34846 5–22–80 / Gasohol pricing and allocation; comments by 7–21–80

Federal Energy Regulatory Commission—

36428 5–30–80 / Proposed revision to reporting forms for public utilities and natural gas companies; comments by 7–22–80

Leasing Policy and Development Office—

35830 5–28–80 / Leasing; Outer Continental Shelf oil and gas joint bidding regulations; comments by 7–25–80

ENVIRONMENTAL PROTECTION AGENCY

44329 7–1–80 / Alternate Method 1 to Reference Method 9 of Appendix A—determination of the opacity of emissions from stationary sources remotely by lidar; comments by 7–25–80

41418 6–19–80 / National Pollutant Discharge Elimination System (NPDES); best management practices guidance document and regulations; comments by 7–21–80

34920 5–23–80 / Rule revisions for five air pollution control districts in the State of California; comments by 7–22–80

42689 7–25–80 / Tennessee; proposed 1979 plan revisions; comments by 7–25–80

33814 5–20–80 / Water programs; oil pollution prevention; non-transportation related onshore and offshore facilities; comments by 7–21–80

FEDERAL COMMUNICATIONS COMMISSION

32029 5–15–80 / FM broadcast stations; channel assignment to Corning, Calif.; reply comments by 7–21–80

34931 5–23–80 / FM broadcast station in Auburn, Me.; changes in table of assignments; reply comments by 7–21–80

34936 5–23–80 / FM broadcast station in Goose Creek, S.C.; changes in table of assignments; reply comments by 7–21–80

37868 6–5–80 / FM broadcast station in Grover City, Calif.; proposed changes in table of assignments; comments by 7–21–80

32028 5–15–80 / FM broadcast stations; channel assignment to Lewiston, Idaho; reply comments by 7–21–80

34938 5–23–80 / FM broadcast station in North Charleston, S.C.; changes in table of assignments; reply comments by 7–21–80

37869 6–5–80 / FM broadcast station in Orchard, Nebr.; proposed changes in table of assignments; comments by 7–21–80

35818 5–28–80 / Small Market Exemption; ascertainment of community problems by broadcast applicants; reply comments by 7–25–80

FEDERAL HOME LOAN BANK BOARD

43430 6–27–80 / Federal Home Loan Bank System; settlement and processing of drafts; comments by 7–24–80

FEDERAL RESERVE SYSTEM

41437 6–19–80 / Truth-in-lending; proposed official staff interpretation; comments by 7–21–80

FEDERAL TRADE COMMISSION

34296 5–22–80 / Bill Crouch Foreign, Inc., d.b.a. Bill Crouch Imports, Inc.; consent agreement with analysis to aid public comment; comments by 7–21–80

[Corrected at 45 FR 36428, 5–30–80]

34291 5–22–80 / Darvel, Inc.; consent agreement with analysis to aid public comment; comments by 7–21–80

34293 5–22–80 / Towle Manufacturing Co.; consent agreement with analysis to aid public comment; comments by 7–21–80

HEALTH AND HUMAN SERVICES DEPARTMENT

Office of the Secretary—

37700 6–4–80 / Grant programs administered by the Office of Assistant Secretary for Planning and Evaluation; technical revision to regulations; comments by 7–21–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

33842 5–20–80 / Endangered Species Convention; revision of implementation rules; comments by 7–21–80

27723 4–23–80 / Review of the status of the Bliss Rapids Snail and the Snake River physa snail; comments by 7–22–80

Heritage Conservation and Recreation Service—

34909 5–23–80 / Determinations of eligibility for inclusion in the National Register of Historic Places; comments by 7–22–80

34911 5–23–80 / Historic preservation certifications pursuant to the Tax Return Act of 1976 and the Revenue Act of 1978; comments by 7–22–80

Surface Mining Reclamation and Enforcement Office—

41659 6–20–80 / Abandoned mine lands reclamation program; Montana; comments by 7–21–80

42333 6–24–80 / Definition of surface coal mining operations; comments by 7–24–80

41164 6–18–80 / Iowa Permanent Regulatory Program; comments by 7–24–80

41456 6–19–80 / Ohio Permanent Regulatory Program; comments by 7–26–80

41158 6–18–80 / Oklahoma Permanent Regulatory Program; comments by 7–22–80

41656 6–20–80 / Pennsylvania Permanent Regulatory Program; comments by 7–21–80

46820 7–11–80 / Permanent regulatory program, availability of proposed lists of provisions in State programs based on suspended and remanded Federal rules, Ohio; comments by 7–26–80

41654 6–20–80 / West Virginia Permanent Regulatory Program; comments by 7–21–80

INTERSTATE COMMERCE COMMISSION

42754 6–25–80 / Modification of rail carrier general increase procedures; comments by 7–25–80

JUSTICE DEPARTMENT

Justice Assistance, Research, and Statistics Office—

33652 5–20–80 / Nondicrimination in Federally Assisted Programs; comments by 7–21–80

Prisons Bureau—

33942 5–20–80 / Control, custody, care, treatment and instruction of inmates; comments by 7–21–80

LABOR DEPARTMENT

Employment and Training Administration—

33922 5–20–80 / Comprehensive Employment and Training Act (CETA) regulations; comments by 7–21–80

Occupational Safety and Health Administration—

33652 5–20–80 / Obtaining warrants an an *ex parte* basis and prior to attempting entry; comments by 7–21–80

Wage and Hour Division, Employment Standards Administration—

42332 6–24–80 / Service Contract Act; labor standards for Federal service contracts; comment period extended to 7–25–80

[*See also* 44 FR 77036, 12–28–79 and 45 FR 34877, 5–23–80]

NATIONAL CREDIT UNION ADMINISTRATION

39279 6–10–80 / Share accounts and share certificate accounts; comments by 7–23–80

PENSION BENEFIT GUARANTY CORPORATION

34899 5–23–80 / Employer liability for a single employer plan termination; comments by 7–22–80

PERSONNEL MANAGEMENT OFFICE

34895 5–23–80 / Provisions for classification under the general schedule; comments by 7–22–80

33640 5–20–80 / Reduction in force; eligibility of employees receiving military retirement pay; comments by 7–21–80

POSTAL SERVICE

42688 6–25–80 / International express mail rates; rates to Bermuda; comments by 7–25–80

STATE DEPARTMENT

34302 5–22–80 / Persons born in U.S. applying for a passport, or inclusion in a passport, for first time; comments by 7–21–80

TRANSPORTATION DEPARTMENT

Coast Guard—

38417 6–9–80 / Electrical systems standard for recreational boats; comments by 7–24–80

38418 6-9-80 / Fuel systems standard for recreational boats; comments by 7-24-80

18987 3-24-80 / Outboard motors; start-in-gear protective devices; comments by 7-24-80

Federal Aviation Administration—

34286 5-22-80 / Recordation of conveyances affecting title to, or an interest in aircraft; comments by 7-21-80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

33651 5-20-80 / Suspension procedure for firearms licenses and explosives licenses or permits; comments by 7-21-80

Internal Revenue Service—

34303 5-22-80 / Income tax; moving expense reduction for foreign moves and for retirees or decedents who were working abroad; comments by 7-21-80

45311 7-3-80 / Income tax; treatment of certain interests in corporations as stock or indebtedness; comment period extended to 7-23-80

[*See also* 45 FR 18957 3-24-80]

34018 5-21-80 / Time for filing declarations of estimated income tax by farmers, fishermen, and certain nonresident aliens; comments by 7-21-80

WAGE AND PRICE STABILITY COUNCIL

42589 6-25-80 / Anti-Inflationary pay and price standards; amendment of pay standard and Question and Answer; comments by 7-25-80

Deadlines for Comments On Proposed Rules for the Week of July 27 through Aug. 2, 1980

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

35335 5-27-80 / Food Stamp Program—Food Stamp Issuance and Participation Reporting System; comments by 7-28-80

CIVIL AERONAUTICS BOARD

40994 6-17-80 / Domestic passenger fare flexibility; comments by 8-1-80

COMMERCE DEPARTMENT

International Trade Administration—

37183 6-2-80 / Revision of Control Status for Hungary; interim rule; comments by 8-1-80

National Oceanic and Atmospheric Administration—

44352 7-1-80 / Marine mammals; seizure, forfeiture, and disposal procedures; comments by 7-31-80

Office of the Secretary—

37374 6-2-80 / Procedures for listing voluntary standards bodies eligible for Federal Agency support and participation, and for a Department sponsored voluntary dispute resolution service for procedural complaints against listed voluntary standards bodies; comments by 8-1-80

COMMUNITY SERVICES ADMINISTRATION

35366 5-27-80 / Grantee Public Meetings and Hearing; comments by 7-28-80

35363 5-27-80 / State Agency Assistance Funded under section 231 of the Economic Opportunity Act; comments by 7-28-80

ENERGY DEPARTMENT

44961 7-2-80 / Gasohol allocation and pricing rulemaking; National Environmental Policy Act finding of no significant impact; comments by 8-1-80

Federal Energy Regulatory Commission—

41608 6-19-80 / Regulations governing Safety of Water power projects and project works; comments by 8-1-80

ENVIRONMENTAL PROTECTION AGENCY

35839 5-28-80 / California State Implementation Plan; lead standard; comments by 7-28-80

45080 7-2-80 / Connecticut Implementation Plan; attainment status designations; comments by 8-1-80

43232 6-30-80 / Florida air quality surveillance plan; ambient air quality; comments by 7-28-80

43228 6-26-80 / Florida Implementation Plans; approval and promulgation; comments by 7-28-80

43229 6-26-80 / Massachusetts ambient monitoring network; approval and promulgation of implementation plants; comments by 7-28-80

43230 6-26-80 / New Hampshire ambient monitoring network; approval and promulgation of implementation plans; comments by 7-28-80

36099 5-29-80 / Ocean dumping; proposed designation of site; comments by 7-28-80

37466 6-3-80 / Prevention of significant deterioration for carbon monoxide, hydrocarbons, nitrogen oxides, ozone and lead (PSD Set II); comments by 7-31-80

[*See also* 45 FR 30088, 5-7-80]

43231 6-26-80 / Rhode Island ambient monitoring network; approval and promulgation of implementation plans; comments by 7-28-80

44327 7-1-80 / Virginia; ambient air quality monitoring network; comments by 7-31-80

43440 6-27-80 / Virginia State implementation plan; comments by 7-28-80

FEDERAL COMMUNICATIONS COMMISSION

27794 4-24-80 / Children's television programing and advertising practices; reply comments by 8-1-80

[*See also* 45 FR 1981, 1-9-80]

40188 6-13-80 / Clarification of aeronautical enroute station rules and addition of two frequencies for use by small aircraft operating agencies; reply comments by 7-29-80

42622 6-25-80 / Common carriers; second computer inquiry; replies to oppositions to petitions for reconsideration by 8-1-80

[*See* 45 FR 31319, 5-13-80]

33662 5-20-80 / Comsat; authorized users of international telecommunications facilities; reply comments by 8-1-80

28781 4-30-80 / Deleting provisions that limit the entry of new stations into the VHF public coast station market; reply comments by 7-30-80

40176 6-13-80 / FM Broadcast Stations in Blytheville, Jonesboro, Paragould, Piggot, Trumann, Walnut Ridge and West Memphis, Ark.; Portageville, Mo. and Collierville, Tenn.; Proposed Changes in Table of Assignments; comments by 8-1-80

40181 6-13-80 / FM broadcast station in Boise, Idaho; table of assignments; comments by 8-1-80

40180 6-13-80 / FM broadcast station in Idaho, Falls, Idaho; table of assignments; comments by 8-1-80

40184 6-13-80 / FM broadcast stations in Chubbock and Pocatello, Idaho; table of assignments; comments by 8-1-80

40186 6-13-80 / FM broadcast station in Edenton, N.C.; comments by 8-1-80

41171 6-18-80 / FM broadcast station in Hertford, N.C., comments by 8-1-80

34933 5-23-80 / FM broadcast stations in Geneva, Ohio; changes in table of assignments; reply comments by 7-28-80

34935 5-23-80 / FM broadcast station in Elloree, S.C.; changes in table of assignments; reply comments by 7-28-80

34934 5-23-80 / FM broadcast stations in Beaufort and Ridgeland, S.C.; changes in table of assignments; reply comments by 7-28-80

34937 5-23-80 / FM broadcast station in Mount Pleasant, S.C., changes in table of assignments; reply comments by 7-28-80

40626 6-16-80 / Increase in presunrise broadcasting service; Class II daytime only AM stations; reply comments by 7-29-80

26724 4-21-80/MTS and WATS market structure; compensation for use of local telephone exchange facilities for interstate or foreign telecommunications; comments by 7-31-80

10606 2-15-80 / Revision of the Radio Control (R/C) Radio Service Rules in plain language; comments by 7-30-80

43442 6-27-80 / Swept frequency automatic vehicle identification system using microwave frequencies; comments by 7-31-80

42347 6-24-80 / Verification and methods of measurement of computing devices; comments by 7-31-80

FEDERAL MARITIME COMMISSION

35368 5-27-80 / Exemption of Leases or Arrangements Solely Involving Terminal Facilities Located in Foreign Countries; comments by 7-28-80

35368 5-27-80 / Exemption of nonexclusive transshipment agreements from section 15 approval requirements; comments by 7-28-80

35369 5-27-80 / Exemption of tariff matter covering the movement of cargo between foreign countries either transshipped from one water carrier to another at U.S. ports or transported overland through the United States; comments by 7-28-80

FEDERAL RESERVE SYSTEM

44963 7-2-80 / Application by First Chicago Corporation to continue to engage in real estate advisory services and real estate appraisal services; possible rulemaking with respect thereto; comments by 8-1-80

41153 6-18-80 / Nonbanking activities of foreign banking organizations; comments extended to 7-31-80

44962 7-2-80 / Proposed required reserve balance pass-through guidelines; comments by 7-31-80

29702 5-5-80 / Truth in lending, revision of Regulation Z; comments by 7-31-80

FEDERAL TRADE COMMISSION

37386 6-2-80 / Full warranties; reasonable duties; publication of recommended final rule; comments by 8-1-80

35832 5-28-80 / Milton Bradley Co. and Binney and Smith, Inc.; consent agreements; comments by 7-28-80

38338 5-29-80 / Organization; general procedures, nonadjudicative procedures, and miscellaneous rules; comments by 7-28-80

GENERAL ACCOUNTING OFFICE

44954 7-2-80 / Personnel management system; comments by 8-1-80

HEALTH AND HUMAN SERVICES DEPARTMENT

(*See also* Health, Education, and Welfare Department)

Food and Drug Administration—

35349 5-27-80 / Antacid Drug Products for Over-the-Counter Human Use; comments by 7-28-80

43394 6-27-80 / Canned peas and canned dry peas; standards of identity, quality, and fill of container; objections by 7-28-80

43391 6-27-80 / Canned pineapple; quality standard; objections by 7-28-80

44265 7-1-80 / Tea standards for year beginning 5-1-80 and ending 4-30-81 (final rule); comments by 7-31-80

Health Care Financing Administration—

36443 5-30-80 / Medicare Program; hospital insurance entitlements and benefits, comments by 7-29-80

Social Security Administration—

35838 5-28-80 / Supplemental Security Income; recovery of overpayments; comments by 7-28-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

(*See also* Health and Human Services Deparment)

Food and Drug Administration—

20666 3-28-80 / Establishment of monograph on anticaries drug products for over-the-counter human use; reply comments by 7-28-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federl Housing Commissioner—

35776 5-27-80 / Annual contributions for operating subsidy; performance funding system; comments by 7-28-80

36840 5-30-80 / Modification of graduated payment mortgage program; comments by 7-29-80

Fair Housing and Equal Opportunity—Office of the Assistant Secretary—

31880 5-14-80 / Fair Housing Assistance Program; eligibility criteria and funding standards, comments by 7-28-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

36038 5-28-80 / Coachella Valley fringe-toed lizard; reproprosal critical habitat; comments by 7-28-80

36332 5-29-80 / Proposal to determine "Hudsonia montana" (mountain golden-heather) to be a threatened species and to determine its critical habitat; comments by 7-28-80

Hearings and Appeals Office—

35351 5-27-80 / Department hearings and appeals procedures; comments by 7-28-80

Indian Affairs Bureau—

43219 6-26-80 / Colorado River Irrigation Project, Arizona; revision of rates and procedures; comments by 8-1-80

43431 6-27-80 / Indian fishing; Hoopa Valley Indian Reservation; comments by 7-28-80

National Park Service—

44969 7-2-80 / Olympic National Park; hunter access routes; comments by 8-1-80

Surface Mining and Reclamation Office—

43220 6-26-80 / Alabama Permanent Regulatory Program; comments by 7-28-80

43221 6-26 / Illinois Permanent Regulatory Program; comments by 7-30-80

43223 6-26-80 / Indiana Permanent Regulatory Program; comments by 7-28-80

44326 7-1-80 / Interim regulatory program; enforcement authority; modifications; comments by 7-31-80

41160 6-18-80 / New Mexico Permanent Regulatory Program; comments by 7-28-80

45313 7-3-80 / Permanent program submission from State of Colorado; comments by 7-28-80

[*See also* 45 FR 41969, 6-23-80]

46820 7-11-80 / Permanent regulatory program, availability of proposed lists of provisions in State programs based on suspended and remanded Federal rules, Ala., Col., Ind., Ky., N. Mex.; comments by 7-28-80

46820 7-11-80 / Permanent regulatory program, availability of proposed lists of provisions in State programs based on suspended and remanded Federal rules, Illinois; comments by 7-30-80

INTERSTATE COMMERCE COMMISSION

39317 6-10-80 / Change of policy—railroad contract rates (standards and procedures); comments by 7-28-80

44351 7-1-80 / Cost standards for railroad rates; revised notice of proposed interpretation of statutory provisions; comments by 7-31-80

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

37392 6-2-80 / Aliens and nationality; refugee and asylum procedures; comments on interim regulations by 7-31-80

Justice Assistance, Research and Statistics Office—

43436 6-27-80 / LEA administrative review procedure; comments by 7-28-80

Parole Commission—

44967 7-2-80 / Paroling policy guidelines; offensive behavior examples; voluntary manslaughter; comments by 7-30-80

METRIC BOARD

65940 11-15-79 / Proposed interim private sector metric conversion planning guidelines; comments by 8-1-80

NUCLEAR REGULATORY COMMISSION

39856 6-12-80 / Licenses for radiography and radiation safety requirements for radiographic operations; Disposal of records of pocket dosimeter; comments by 7-28-80

PERSONNEL MANAGEMENT OFFICE

36416 5-30-80 / Stay-in-School Program; comments by 7-29-80

TRANSPORTATION DEPARTMENT

Coast Guard—

40621 6-16-80 / Amendment of Regulated Navigation Areas to include portion of waters of New Haven Harbor around the Tomlinson Bridge as a Regulated Navigation Area; comments by 7-31-80

29072 5-1-80 / Outer continental shelf activities; comments by 7-30-80

Federal Highway Administration—

22120 4-3-80 / Compliance with interstate motor carrier noise emission standards; comments by 8-1-80

National Highway Traffic Safety Administration—

43355 6-26-80 / Anthropomorphic test dummies representing 6-month-old and 3-year-old children; comments by 7-28-80

Research and Special Programs Administration—

22118 4-3-80 / Transportation of natural and other gas by interior piping; comments by 8-1-80

TREASURY DEPARTMENT

Fiscal Service—

43658 6-27-80 / U.S. Savings Bonds Series A, B, C, D, E, F, G, H, J, and K and U.S. savings notes (Freedom Shares); comments by 8-1-80

WAGE AND PRICE STABILITY COUNCIL

47052 7-11-80 / Modifications of Voluntary price standards; comments by 8-1-80

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

45338 7-3-80 / Medicine Bow National Forest Grazing Advisory Board, Laramie, Wyo. (open), 7-21-80

CIVIL RIGHTS COMMISSION

43817 6-30-80 / California Advisory Committee, Sacramento, Calif. (open), 7-26-80

41994 6-23-80 / Connecticut Advisory Committee, Meridan, Connecticut (open), 7-24-80

COMMERCE DEPARTMENT

International Trade Administration—

44975 7-2-80 / East-West Trade Advisory Committee, Washington, DC (open), 7-23-80

National Oceanic and Atmospheric Administration—

15974 3-12-80 / Mid-Atlantic Fishery Management Council's Surf Clam Advisory Subpanel, Dover, Del. (open), 7-25-80

43818 6-30-80 / North Pacific Fishery Management Council, Anchorage, Alaska (open), 7-24 and 7-25-80

43818 6-30-80 / Scientific and Statistical Committee and Advisory Panel, Anchorage, Alaska (open), 7-22 and 7-23-80

44977 7-2-80 / Sea Grant Review Panel Meeting, Washington, DC (open), 7-22 and 7-23-80

DEFENSE DEPARTMENT

Navy Department—

43842 6-30-80 / Naval Research Advisory Committee, San Diego, Calif. (closed), 7-21 through 7-25-80

Office of the Secretary—

35854 5-28-80 / Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 7-22-80

44979 7-2-80 / Defense Science Board Task Force on Anti-Tactical Missiles, Arlington, Va. (closed), 7-21 and 7-22-80

35854 5-28-80 / Wage Committee, Washington, D.C. (closed), 7-22-80

EDUCATION DEPARTMENT

43843 6-30-80 / National Advisory Council on Indian Education, Rapid City, S.D. (open), 7-20, 7-21 and 7-22-80

ENERGY DEPARTMENT

42367 6-24-80 / Refinery Capability Task Group and the Coordinating Subcommittee of the National Petroleum Council's (NPC) Committee on Refinery Flexibility Wash., D.C., (open), 7-21-80

Federal Energy Regulatory Commission—

44981 7-2-80 / Alaska Power Authority, Petersburg, Ala. (open), 7-25-80

45686 7-7-80 / Nuclear R&D Subpanel of the Energy Research Advisory Board, Washington, D.C. (open), 7-22-80

ENVIRONMENTAL PROTECTION AGENCY

45356-45359 7-3-80 / California State Motor vehicle pollution control standards, San Francisco, Calif., 7-24 and 7-25-80 (if necessary) (3 documents)

45362 7-30-80 / FIFRA Scientific Advisory Panel, Arlington, Va. (open), 7-24 and 7-25-80

45018 7-2-80 / Science Advisory Board Executive Committee, Washington, DC (open), 7-21 and 7-22-80

45955 7–8–80 / Toxic Substances Advisory Committee, Washington, D.C. (open), 7–24 and 7–25–80

FEDERAL COMMUNICATIONS COMMISSION

43249 6–26–80 / Special Committee No. 74 "Digital Selective Calling", Washington, D.C. (open), 7–22 and 7–23–80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

41069 6–17–80 / Device Good Manufacturing Practice Advisory Committee, Silver Spring, Md. (open), 7–22–80

41069 6–17–80 / Drug Abuse Advisory Committee, Rockville, Md. (open), 7–24 and 7–25–80

National Institutes of Health—

38448 6–9–80 / Board of Scientific Counselors, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 7–21–80

44403 7–1–80 / National Cancer Institute, and National Institute on Aging, and National Institute of Child Health and Human Development in conjunction with the National Center for Health Case Technology, Bethesda, Md. (open), 7–23 through 7–25–80

INTERIOR DEPARTMENT

Land Management Bureau—

39955 6–12–80 / Rock Springs District Grazing Advisory Board, Rock Springs, Wyo. (open), 7–22–80

42865 6–25–80 / Shoshone District Advisory Council; Shoshone, Idaho (open) 7–22–80

45380 7–3–80 / Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee, Anchorage, Alaska (open), 7–23 and 7–24–80

National Park Service—

45702 7–7–80 / Santa Monica Mountains National Recreation Area Advisory Commission, Thousand Oaks, Calif. (open), 7–23–80

45702 7–7–80 / Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 7–25–80

INTERNATIONAL CONVENTION ADVISORY COMMISSION

46211 7–9–80 / Meeting, Washington, D.C., 7–23–80

JUSTICE DEPARTMENT

Prisons Bureau—

40243 6–13–80 / National Institute of Corrections Advisory Board, San Mateo, Calif., 7–20–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

45040 7–2–80 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Executive Subcommittee, Washington, D.C. (open), 7–22–80

NATIONAL SCIENCE FOUNDATION

46941 7–11–80 / Advisory Council Task Group No. 11, Washington, D.C. (open), 7–25–80 (originally published at 45 FR 43288, 6–26–80)

43288 6–26–80 / Earth Sciences Advisory Committee, Geophysics Subcommittee, Stanford, Calif. (closed), 7–24 and 7–25–80

7–1–80 / Engineering and Applied Science Advisory Committee, Raleigh, North Carolina, (open), 7–25–80

43288 6–26–80 / Ocean Sciences Advisory Committee, Ocean Sciences Research Subcommittee, Washington, D.C. (closed), 7–23 through 7–25–80

41096 6–17–80 / Steering Committee of the National Science Foundation Advisory Council, Washington, D.C. (open), 7–24–80

NUCLEAR REGULATORY COMMISSION

46263 7–9–80 / Lawyer Vacancies on Licensing Board Panel, Screening Committee, Washington, D.C. (closed), 7–23–80

RADIATION POLICY COUNCIL

43512 6–27–80 / Regional meeting, Boston, Mass. (open), 7–22–80

SCIENCE AND TECHNOLOGY POLICY OFFICE

45435 7–3–80 / Intergovernmental Science, Engineering, and Technology Advisory Panel, Washington, D.C. (open), 7–25–80

45436 7–3–80 / Intergovernmental Science, Engineering, and Technology Advisory Panel, Natural Resources and Environment Task Force, Washington, D.C. (open), 7–24–80

45435 7–3–80 / Intergovernmental Science, Engineering, and Technology Advisory Panel, Transportation, Commerce and Community Development Task Force, Washington, D.C. (open), 7–24–80

TRANSPORTATION DEPARTMENT

Federal Railroad Administration—

45447 7–3–80 / Minority Business Resource Center Advisory Committee, Chicago, Ill. (open), 7–21–80

VETERANS ADMINISTRATION

41754 6–20–80 / Wage Committee, Washington, D.C. (closed), 7–24–80

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

43816 6–30–80 / Former Large Irregular Air Service Investigation, Phase III, Washington, D.C., 7–21–80

DEFENSE DEPARTMENT

Navy Department—

41691 6–20–80 / Naval Discharge Review Board, 7–20 through 8–1–80: San Diego, Calif.; San Francisco, Calif.

ENERGY DEPARTMENT

Economic Regulatory Administration—

40078 6–12–80 / Motor gasoline allocation revision, Kansas City, Mo., 7–21–80

40078 6–12–80 / Motor gasolines allocation revision, San Francisco, Calif., 7–24–80

45098 7–2–80 / Review and establishment of natural gas curtailment priorities for interstate pipelines; Chicago, Ill., 7–22–80; Atlanta, Ga., 7–24–80

ENVIRONMENTAL PROTECTION AGENCY

34315 5–22–80 / National emission standard for benzene emissions from maleic anhydride plants, Washington, D.C., 7–22–80

39766 6–11–80 / Standards of performance for new stationary sources organic solvent cleaners, Research Triangle Park, North Carolina, 7–24–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

46141 7–9–80 / Devil's River Minnow; proposed critical habitat, Del Rio, Tex., 7–23–80

National Park Service—

41711 6–20–80 / Environmental assessment for the development concept plan for Daingerfield, Island, Alexandria, Va., 7–23–80

Surface Mining Reclamation and Enforcement Office—

43220 6–26–80 / Alabama Permanent Regulatory Program, Jasper, Ala., 7–24–80

43221 6–26–80 / Illinois Permanent Regulatory Program, Springfield, Ill., 7–24 and Marion, Ill., 7–25–80

43223 6–26–80 / Indiana Permanent Regulatory Program, Indianapolis, Ind., 7–23 and Evansville, Ind., 7–24–80

44326 7–1–80 / Interior Regulatory Program; enforcement, procedures; modifications, Wash., D.C., 7–22–80

41160 6–18–80 / New Mexico Permanent Regulatory Program, Albuquerque, N. Mex., 7–23–80

43225 6-26-80 / North Dakota; Permanent Regulatory Program, Bismarck, N.D., 7-22-80

[Original published at 45 FR 41162, 6-18-80]

41456 6-19-80 / Ohio permanent regulatory program, Clairsville, Ohio, 7-21-80; and Columbus, Ohio, 7-22-80

PEACE AND CONFLICT RESOLUTION, COMMISSION ON PROPOSALS FOR NATIONAL ACADEMY

45938 7-8-80 / Public Seminar—Hearing, Washington, D.C., 7-23-80

TREASURY DEPARTMENT

Internal Revenue Service

28365 4-29-80 / Income tax; treatment of certain interests in corporations as stock or indebtedness, Washington, D.C., 7-23-80

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 July 11, 1980

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

Rules Going Into Effect

46378 7-10-80 / HUD/CPD—Community development block grants; housing assistance plan; effective 8-25-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

46818 7-11-80 / Interior/SMO—Grant period; reclamation of eligible land and water; receipt of petition for rulemaking; comments by 8-11-80

APPLICATIONS DEADLINES

46487 7-10-80 / HHS/HSA—Availability of grants in FY 1980 to support development and operation of a community health center project in Boise, Idaho area; apply by 8-15-80

45854 7-7-80 / HUD/Fair Housing and Equal Opportunity, Assistant Secretary—Fair housing assistance program; competitive and noncompetitive solicitation for funding; apply between 7-7 and 9-5-80

MEETINGS

46210 7-9-80 / HEW—Health Care Technology, National Council; Subcommittee on grants and contracts, New York, N.Y. (closed), 8-7-80

OTHER ITEMS OF INTEREST

46443 7-10-80 / HUD—Grant administration requirement for use of escrow accounts for property rehabilitation loans and grants in community development block grants program; transmittal to Congress

46581 7-10-80 / Justice/LEAA—Determination of eligible Alaska Native Villages for Indian Criminal Justice Program; list of villages

46583 7-10-80 / Justice/LEAA—Removing juveniles from adult jails and lock-ups; potential availability of additional funds

46263 7-9-80 / LSC—East Texas Legal Services; consideration of grant application

46263 7-9-80 / LSC—Legal Aid of Western Oklahoma, Inc.; consideration of grant application

46263 7-9-80 / LSC—North Louisiana Legal Assistance Corp.; consideration of grant application

46263 7-9-80 / LSC—Northwest Louisiana Legal Services; consideration of grant application

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