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Highlights

49000 **Grant Programs** OPM announces availability of Intergovernmental Personnel Act grant funds for national projects during fiscal year 1981; apply by 10–1–80

48939 **Grant Programs—Handicapped** ED invites application for new projects and non-competing continuation projects under the Handicapped Personnel Preparation Program; apply by 10–6–80

48949 **Grant Programs** ICA announces second year of program providing selective assistance, encouragement and grant support to nonprofit activities of U.S. organizations outside the Federal Government

48909 **Loan Programs** USDA/REA publishes proposal requiring qualified borrowers to obtain percentage of their loan capital requirements from supplemental lender; comments by 8–21–80

48847 **Child Support** OPM publishes regulations regarding processing garnishment orders for child support and/or alimony; effective 8–21–80

48903 **Federal Relocation** OPM reviews and evaluates Federal policies on geographic mobility in the civil service workforce; comments by 8–11–80

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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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Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 581

Processing Garnishment Orders for Child Support and/or Alimony

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This final rule is published in compliance with Executive Order 12105, December 19, 1978, which authorized the U.S. Office of Personnel Management, "OPM", to promulgate regulations providing uniform procedures for the implementation by the executive branch of the garnishment provisions of the Social Services Amendments of 1974 (Pub. L. 93–647) and the Tax Reduction and Simplification Act of 1977 (Pub. L. 95–30). The rule sets forth procedures for governmental entities to follow in responding to garnishment orders issued to enforce child support and/or alimony obligations. For the purpose of this rule, the executive branch includes the territories and possessions of the United States, the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress, and the government of the District of Columbia.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: Murray Meeker, Attorney, Office of the General Counsel, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, (202) 632–5524.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the Federal Register on October 19, 1979 (44 FR 60301–60306).

Analysis of Comments

The proposed regulations provided a 60-day period of public comment. Thirty comments concerning the proposed regulations were received during the comment period.

One of the agencies that submitted comments suggested that the definition of "governmental entity" in § 581.102(b) be amended to expressly include nonappropriated fund facilities. This suggestion was rejected on the ground that nonappropriated fund facilities are components of governmental entities, and, as such, are already included within the definition. One individual inquired as to whether the Yakima Indian Nation Tribal Court might be considered a "court of competent jurisdiction." The Office of Legal Counsel of the Justice Department advised us that the Yakima Indian Nation Tribal Court, and many other Indian tribal courts, would be "court[s] of competent jurisdiction", for the purpose of issuing garnishment orders to enforce alimony and/or child support decrees under the Federal garnishment statutes. In accordance with the Legal Counsel's suggestion, we revised the "legal process" definition contained in § 581.102(f) to include Indian tribal courts.

Among the questions received by OPM was one which asked whether the U.S. District Court for the District of the Canal Zone was considered a "court of competent jurisdiction within * * * [a] territory * * * of the United States." The U.S. Attorney for the District of the Canal Zone advised us that the U.S. District Court was the court of general jurisdiction and, for that reason, would be considered a court of competent jurisdiction within what is still considered a territory of the United States. The U.S. Attorney also pointed out that the court would no longer exist after March 31, 1982.

At the suggestion of one agency, the definition of "party" has been added to the definitions contained in § 581.102. The new definition provides that in addition to former spouses, State or local agencies which provide welfare or family assistance and have been assigned the rights to child support and/or alimony payment(s), may institute garnishment actions, or similar legal proceedings, against governmental entities.

A number of comments concerned particular payments or benefits which had not been included in either § 581.103 (Moneys which are subject to garnishment) or § 581.104 (Moneys which are not subject to garnishment). Section 581.103 has now been revised to include the Department of Energy's equalization allowance, and the National Oceanic and Atmospheric Administration (NOAA) Corps cash awards, while § 581.104 was amended to expressly include four items which are not remuneration for employment. Public Health Service scholarship stipends, and veterans' educational assistance payments, were included because these two items are for educational expenses. The uniform allowance for Public Health Service employees was included because it is reimbursement for required uniform purchases. The fourth item, the remote worksite allowance, is included because 5 U.S.C. 5942 authorizes "an allowance of not to exceed $10 a day", "in addition to pay otherwise due (the employee)", as reimbursement for expenses, as well as for hardship and inconvenience, "on the part of the employee in commuting to and from his residence and such worksite".

In addition to the foregoing requests that new items be listed, two other agencies asked that certain items in § 581.104 be clarified. In response to the first of these requests, the "cost-of-living allowances" are now specifically identified. These identifying designations avoid confusion by distinguishing the "foreign area" cost-of-living allowances (5 U.S.C. 5924), and the "outside of the continental United States or in Alaska" cost-of-living allowances (5 U.S.C. 5941), from the cost-of-living allowance negotiated between the U.S. Postal Service and the postal employee unions. The distinctions are necessary inasmuch as the Postal Service's cost-of-living allowance is subject to garnishment. The second request for further clarification involved the tax refund section, § 581.104(c), which has now been rewritten to encompass all payments made in connection with overpayments or erroneous payments of income and other taxes levied under title 26 of the United States Code.

Section 581.105(b), involving items which are required by law to be excluded from garnishment, was rewritten to make it clear that amounts withheld by the Social Security Administration under title II of the

Social Security Act are excluded from garnishment.

While several agencies objected to the fact that § 581.105(f) does not permit premiums for "optional" Federal Employees' Group Life Insurance to be excluded from garnishment, we believe that the express statutory language which precludes the exclusion of supplementary life insurance premiums, prevents the exclusion of premiums for optional Federal Employees' Group Life Insurance.

Four agencies provided comments concerning § 581.202(b), dealing with service of process. The section has now been clarified to explain that while misaddressed legal process should be directed or rerouted to the proper official, valid service is not actually accomplished until the legal process has been received in the office of the designated agent.

In compliance with the suggestion of the Veterans Administration, the "Veterans Administration claim number" was added to the list of identifying information required to be submitted by garnishors under § 581.203(a)(3).

With respect to § 581.301, providing for the suspension of payment upon proper service of legal process, we were advised that in certain jurisdictions, such as Mississippi, documents were issued which, at first glance, appeared to only request information, but which, in fact, necessitated that suspension action be taken in order that the governmental entity could comply with subsequently issued legal process. Upon further consideration, we amended § 581.301 to permit suspension in these situations.

One agency suggested that § 581.302, which required the release of information provided by obligors, might conflict with the Privacy Act. In response to this comment, a new paragraph, (a)(3), has been inserted in the section to eliminate any possible conflicts.

Two agencies commented that the legal protections afforded by the Soldiers' and Sailors' Civil Relief Act apply to all of the uniformed services rather than to just the military services. Section 581.302(b)(4) has been amended in accordance with this information. While there was one individual who suggested that this section be deleted, we found no compelling reason to remain silent concerning the rights provided under the Soldiers' and Sailors' Civil Relief Act.

One agency raised a question as to whether § 581.304 would prevent agencies from disciplining employees who consistently or purposely failed to provide correct information requested by interrogatories. While § 581.304 is a recitation of a provision in Pub. L 95–30, we have amended the section to clarify the fact that employees who consistently or purposely provide false information may be disciplined by their employing agencies.

We considered a number of comments from agency officials who objected to the requirement in § 581.305(b) that all of the matters under § 581.305(a) be referred to a U.S. Attorney. We concluded that it would facilitate the processing of these cases if the agencies responded directly to the court. Accordingly, we have rewritten § 581.305(b) to require referral to a U.S. Attorney, only in those cases where litigation is initiated or threatened.

Section 581.305(d) was rewritten to provide that governmental entities which negligently fail to honor legal process while making a disbursement, would be liable only for the amount that the governmental entity would have paid if the legal process had been properly honored.

In accordance with Pub. L. 95–30, § 581.305(e) provides that governmental entities shall not be required to vary their normal pay or disbursement cycles in order to comply with legal process. Section 581.305(e) provides further that where legal process, valid at the time of service, is received too late to be honored during the disbursement cycle in which it is received, it shall be honored during the next disbursement cycle. Two agencies contended that if the process expires prior to the next disbursement cycle, there would be no legal basis for honoring the process. We do not concur in this interpretation. It is clear that legal process, valid when received, must be honored. The fact that Congress has permitted governmental entities to defer payment in accordance with their disbursement cycles does not operate to invalidate valid process which has expired during the deferral period. The statutory provision was not designed to avoid payment, but was intended solely to avoid disturbances or interruptions of the disbursement cycles of governmental entities.

One of the agencies which submitted comments asked that the regulations be amended to explain when an obligor would be deemed to be supporting a spouse or dependent child under § 581.402, which incorporates certain provisions of the Consumer Credit Protection Act. The Labor Department, which is responsible for administering the Consumer Credit Protection Act, has advised us that although they have not issued any formal ruling or interpretation concerning this matter, it is their view that an obligor should be considered supporting a spouse or dependent child if the obligor provides over half of such individual's support. Section 581.402 has been rewritten in accordance with this advice.

Certain misconceptions that have come to light during telephone conversations with individuals in the private sector, who are generally unfamiliar with the Federal garnishment provisions, should be clarified. First, while the regulations implement Federal statutes, Congress has neither pre-empted State garnishment provisions, except as concerns service of process, disruption of disbursement cycles, and maximum limitations, nor has Congress provided a jurisdictional basis for bringing garnishment actions in Federal courts. See, e.g., *Diaz* v. *Diaz*, 568 F.2d 1061, 1063 (4th Cir. 1977). Thus, individuals seeking to enforce orders for child support and/or alimony, must, in general, meet State or local requirements for obtaining legal process before any Federal compliance may occur. Where there are no applicable garnishment provisions in a particular State or local jurisdiction, the individual will not, in most circumstances be able to garnish moneys due from the United States or the District of Columbia.

Additionally, it appears that many of these individuals in the private sector are not aware of the fact that the Federal statutes are not limited to the garnishment of Federal employees' salaries. In this connection, note that the regulations set forth, in considerable detail, that the law permits the garnishment of all "remuneration for employment", including salaries, retirement payments, Social Security benefits, and even compensation for work injuries.

OPM has determined that this is a significant regulation for the purposes of Executive Order 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR Part 581 is added to read as follows:

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Subpart A—Purpose and Definitions

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Appendix A—List of Agents Designated to Accept Legal Process.

Authority: 42 U.S.C. 659, 661–662; 15 U.S.C. 1673; E.O. 12105.

Subpart A—Purpose and Definitions

§ 581.101 Purpose.

Section 659 of title 42 of the United States Code, as amended, provides that moneys, the entitlement to which is based upon remuneration for employment, due from, or payable by, the United States or the District of Columbia to any individual, shall be subject, as if the United States or the District of Columbia were a private person, to legal process brought for the enforcement of such individual's legal obligations to provide child support and/or make alimony payments. The purpose of this part is to implement the objectives of section 659 as it pertains to the executive branch of the Government of the United States.

§ 581.102 Definitions.

In this part: (a) "The executive branch of the Government of the United States" means all "governmental entities" as defined in this section, including therein the territories and possessions of the United States, the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress, and the government of the District of Columbia.

(b) "Governmental entity" means each department, both civilian and military, agency, independent establishment, or instrumentality of the executive branch, including the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress, any office, commission, bureau, or other administrative subdivision or creature of the executive branch, and the governments of the District of Columbia and of the territories and possessions of the United States.

(c) "Private person" means a person who does not have sovereign or other special immunity or privilege which causes that person not be be subject to legal process.

(d) "Child support" means periodic payments of funds for the support and maintenance of a child or children, and, subject to and in accordance with State or local law, includes, but is not limited to, payments to provide for health care, education, recreation, clothing, or to meet other specific needs of such a child or children; the term also includes attorney's fees, interest, and court costs, if they are expressly made recoverable under a decree, order, or judgment issued in accordance with applicable State or local law by a court of competent jurisdiction.

(e) "Alimony" means periodic payments of funds for the support and maintenance of a spouse or former spouse, and, subject to and in accordance with State or local law, includes, but is not limited to, separate maintenance, alimony pendente lite, maintenance, and spousal support. Alimony also includes attorney's fees, interest, and court costs, if they are expressly made recoverable under a decree, order, or judgment issued in accordance with applicable State or local law by a court of competent jurisdiction. This term does not include any payment or transfer of property or its value by an individual to his/her spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses. (See instead 5 U.S.C. 8345(j).)

(f) "Legal process" means any writ, order, summons, or other similar process in the nature of garnishment, which may include an attachment, writ of execution, or court ordered wage assignment, which—

(1) Is issued by: (i) A court of competent jurisdiction, including Indian tribal courts, within any State, territory, or possession of the United States, or the District of Columbia;

(ii) A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor the process; or

(iii) An authorized official pursuant to an order of a court of competent jurisdiction or pursuant to State or local law, and

(2) Is directed to, and the purpose of which is to compel, a governmental entity, to make a payment from moneys otherwise payable to an individual, to another party to satisfy a legal obligation of the individual to provide child support and/or make alimony payments.

(g) "Legal obligation" means an obligation to pay alimony and/or child support which is enforceable under appropriate State or local law.

(h) "Obligor" means an individual having a legal obligation to pay alimony and/or child support.

(i) "Remuneration for employment" means compensation paid or payable for personal services, whether such compensation is denominated as wages, salary, commission, bonus, pay, or otherwise, and includes, but is not limited to, those items set forth in § 581.103.

(j) "Party" means the person or persons to whom alimony and/or child support payments should be made, or, in the case of an agency established by State or local law, the agency which has been assigned, by law or by agreement, the right to receive such payment or payments.

§ 581.103 Moneys which are subject to garnishment.

(a) For the personal service of a civilian employee obligor:

(1) Saved pay;
(2) Retained pay;
(3) Night differentials;
(4) Sunday and holiday premium pay;
(5) Overtime pay;
(6) Standby pay;
(7) Environmental differentials;
(8) Hazardous duty pay;
(9) Tropical differentials;
(10) Recruitment incentives;
(11) Equalization allowance;
(12) Any payment in consideration of accrued leave;
(13) Severance pay;
(14) Sick pay;
(15) Physicians comparability allowances;
(16) Special pay for physicians and dentists;
(17) Amounts paid pursuant to a personal services contract where the contractor recipient performed the services and received the payments in the capacity as a Federal employee;
(18) Merit pay;
(19) Incentive pay;
(20) Cash awards;
(21) Agency and Presidential incentive awards (except where such award is for making a suggestion); and
(22) Senior Executive Service rank and performance awards.

(b) For the personal service of an obligor in the uniformed services of the

United States: (1) Basic pay (including service academy cadet and midshipmen pay);
(2) Special pay (including enlistment and re-enlistment bonuses);
(3) Lump sum reserve bonus;
(4) Continuation pay for physicians and dentists;
(5) Special pay for physicians, dentists, optometrists, and veterinarians;
(6) Incentive pay;
(7) Variable incentive pay;
(8) Inactive duty training pay;
(9) Administrative duty pay;
(10) Academy official pay (other than personal money allowances);
(11) Any payments made in consideration of accrued leave (basic pay portion only);
(12) Readjustment pay;
(13) Disability retired pay;
(14) Severance pay (including disability severance pay); and
(15) Cash awards (NOAA Corps).
(c) For obligors generally: (1) Periodic benefits, including a periodic benefit as defined in section 428(h)(3) of title 42 of the United States Code, title II of the Social Security Act, to include a benefit payable in a lump sum if it is commutation of, or a substitute for, periodic payments; or other payments to these individuals under the programs established by subchapter II of chapter 7 of title 42 of the United States Code (Social Security Act) and by chapter 9 of title 45 of the United States Code (Railroad Retirement Act) or any other system or fund established by the United States (as defined in section 662(a) of title 42 of the United States Code) which provides for the payment of:
(i) Pensions;
(ii) Retirement;
(iii) Retired/retainer pay;
(iv) Annuities;
(v) Refunds of retirement contributions where an application has been filed; and
(vi) Dependents' or survivors' benefits when payable to the obligor.
(2) Amounts received under any Federal program for compensation for work injuries; and
(3) Benefits received under the Longshoremen's and Harbor Workers' Compensation Act.
(4) Exceptions. Remuneration would not include: (i) Any payment as compensation for death, including any lump sum death benefit under any Federal program;
(ii) Any payment under any Federal program established to provide "black lung" benefits;
(iii) Any payment by the Veterans Administration as pension; or
(iv) Any payments by the Veterans Administration as compensation for a service-connected disability or death, except any compensation paid by the Veterans Administration to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his/her retired pay in order to receive such compensation. In this case, only that part of the Veterans Administration payment which is in lieu of the waived retired/retainer pay, is subject to garnishment.

§ 581.104 Moneys which are not subject to garnishment.

(a) Payments made pursuant to the provisions of the Federal Tort Claims Act, as amended, sections 1346(b) and 2671 *et seq.*, of title 28 of the United States Code;
(b) Payments or portions of payments made by the Veterans Administration pursuant to sections 501–562 of title 38 of the United States Code, in which the entitlement of the payee is based on non-service-connected disability or death, age and need;
(c) Refunds and other payments made in connection with overpayments or erroneous payments of income tax and other taxes levied under Title 26 of the United States Code;
(d) Grants;
(e) Fellowships;
(f) Veterans' eductional assistance payments under sections 1651 *et seq.*, of Title 38 of the United States Code;
(g) Contracts, except where the contractor recipient performed personal services and received payments in his/her capacity as an employee of a governmental entity; and
(h) Reimbursement for expenses incurred by an indivudal in connection with his/her employment, or allowances in lieu thereof, and other payments and allowances, including, but not limited to:
(1) In the case of civilian employees:
(i) Uniform allowances;
(ii) Travel and transportation expenses (including mileage allowances);
(iii) Relocation expenses;
(iv) Storage expenses;
(v) Post differentials;
(vi) Foreign areas allowances;
(vii) Education allowances for dependents;
(viii) Separate maintenance allowances;
(ix) Post allowances and supplementary post allowances;
(x) Home service transfer allowances;
(xi) Quarters allowances;
(xii) Cost-of-living allowances (COLA), when applicable to an employee in a foreign area or an employee stationed outside of the continental United States or in Alaska;
(xiii) Remote worksite allowance; and
(xiv) Per diem allowances.
(2) In the case of members of the uniformed services: (i) Position pay (Navy only);
(ii) Basic allowance for quarters;
(iii) Basic allowance for subsistence;
(iv) Station allowances;
(v) Armed Forces health professions scholarship stipends;
(vi) Public Health Service scholarship stipends;
(vii) Travel and transportation allowances;
(viii) Dislocation allowances;
(ix) Family separation allowances;
(x) ROTC subsistence allowance;
(xi) Allowance for recruiting expenses;
(xii) Education allowances for dependents;
(xiii) Clothing allowances for enlisted personnel; and
(xiv) Uniform allowances for General and Flag officers, and for the Surgeon General and other employees of the Public Health Service.
(3) In the case of volunteers serving under either the Domestic Volunteer Service Act or the Peace Corps Act, all allowances, including, but not limited to, readjustment allowances, stipends, and reimbursements for out-of-pocket expenses.

§ 581.105 Exclusions.

In determining the amount of any "moneys due from or payable by, the United States" to any individual, there shall be excluded amounts which:
(a) Are owed by the individual to the United States;
(b) Are required by law to be deducted from the remuneration or other payment involved, including, but not limited to:
(1) Amounts withheld from benefits payable under title II of the Social Security Act where the withholding is required by law;
(2) Federal employment taxes;
(3) Amounts mandatorily withheld for the U.S. Soldiers' and Airmen's Home; and
(4) Fines and forfeitures ordered by a court-martial or by a commanding officer;
(c) Are properly withheld for Federal, State, or local income tax purposes, if the withholding of the amounts is authorized or required by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he/she were entitled. The withholding of additional amounts pursuant to section 3402(i) of title 26 of the United States

Code may be permitted only when the individual presents evidence of a tax obligation which supports the additional withholding;

(d) Are deducted as health insurance premiums, including, but not limited to, amounts deducted from civil service annuities for Medicare where such deductions are requested by the Health Care Financing Administration;

(e) Are deducted as normal retirement contributions, not including amounts deducted for supplementary coverage. Amounts withheld as Survivor Benefit Plan or Retired Serviceman's Family Protection Plan payments are considered to be normal retirement contributions. Amounts voluntarily contributed toward additional civil service annuity benefits are considered to be supplementary; or

(f) Are deducted as normal life insurance premiums from salary or other remuneration for employment, not including amounts deducted for supplementary coverage. Both Servicemen's Group Life Insurance and "regular" Federal Employees' Group Life Insurance premiums are considered to be normal life insurance premiums; "optional" Federal Employees' Group Life Insurance premiums and life insurance premiums paid for by allotment, such as National Service Insurance, are considered to be supplementary.

§ 581.106 Future payments.

Moneys paid by a governmental entity which may be due and payable to an individual at some future date, shall not be considered due the individual unless and until all of the conditions necessary for payment of the moneys to the individual have been met, including, but not limited to, the following conditions which might apply:

(a) Retirement;

(b) Resignation from a position in the Federal service; or

(c) Application for payment of moneys by the individual.

Subpart B—Service of Process

§ 581.201 Agent to receive process.

(a) Appendix A to this part lists agents designated to accept service of process.

(b) The head of each governmental entity shall submit to the Office of the General Counsel, Room 5H30, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, for publication in Appendix A to this part, the following information concerning the agent(s) designated to accept service of process:

(1) Title;

(2) Mailing address;

(3) Telephone number; and

(4) Geographical area or region, if applicable.

(c) United States Attorneys are not considered appropriate agents to accept service of process.

§ 581.202 Service of process.

(a) A party using this part shall serve on the designated agent of the governmental entity which has moneys due and payable to the obligor, legal process which names the governmental entity as the garnishee.

(b) Service of legal process brought for the enforcement of an obligation to provide child support and/or alimony shall be accomplished by certified or registered mail, return receipt requested, or by personal service, upon the appropriate agent designated in Appendix A to this part, or if no agent has been designated for the governmental entity having payment responsibility for the moneys involved, then upon the head of that governmental entity. The designated agent shall note the date and time of receipt on the legal process. The governmental entity shall make every reasonable effort to facilitate proper service of process on its designated agent(s). If legal process is not directed to any particular official within the entity, or if it is addressed to the wrong individual, the recipient shall, nonetheless, forward the legal process to the designated agent. However, valid service is not accomplished until the legal process is received in the office of the designated agent.

(c) Where it does not appear from the face of the process that it has been brought to enforce the legal obligation(s) defined in § 581.102(d) and/or (e), the process must be accompanied by a certified copy of the court order establishing such legal obligation(s).

(d) Where the State or local law provides for the issuance of legal process without a support order, such other documentation establishing that it was brought to enforce legal obligation(s) defined in § 581.102(d) and/or (e) must be submitted.

(e) In order for the party who caused the legal process to be served to receive the additional five (5) percent provided for in either § 581.402(a) or (b), it must appear on the face of the legal process that the process was brought for the enforcement of a support order for a period which is twelve (12) weeks in arrears, or a certified copy of the support order, or other evidence acceptable to the head of the governmental entity, establishing this fact, must be submitted.

§ 581.203 Information minimally required to accompany legal process.

(a) Sufficient identifying information must accompany the legal process in order to enable processing by the governmental entity named. Therefore, the following identifying information about the obligor, if known, is requested:

(1) Full name;

(2) Date of birth;

(3) Employment number, social security number, Veterans Administration claim number, or civil service retirement claim number;

(4) Component of the governmental entity for which the obligor works, and the official duty station or worksite; and

(5) Status of the obligor, e.g., employee, former employee, or annuitant.

(b) If the information submitted is not sufficient to identify the obligor, the legal process shall be returned directly to the court, or other authority, with an explanation of the deficiency. However, prior to returning the legal process, if there is sufficient time, and attempt should be made to inform the party who caused the legal process to be served, or the party's representative, that it will not be honored unless adequate identifying information is supplied.

Subpart C—Compliance With Process

§ 581.301 Suspension of payment.

Upon proper service of legal process, together with all supplementary documents and information as required by §§ 581.202 and 581.203, the head of the governmental entity, or his/her designee, shall identify the obligor to whom that governmental entity holds moneys due and payable as remuneration for employment and shall suspend, i.e., withhold payment of such moneys for the amount necessary to permit compliance with the legal process.

§ 581.302 Notification of obligor.

(a) As soon as possible, but not later than fifteen (15) calendar days after the date of valid service of legal process, the agent designated to accept legal process shall send to the obligor, at his or her duty station or last known home address, written notice:

(1) That such process has been served, including a copy of the legal process, and, if submitted, such other documents as may be required by § 581.202;

(2) Of the maximum garnishment limitations set forth in § 581.402, with a request that the obligor submit supporting affidavits or other documentation necessary for determining the applicable percentage limitation;

(3) That by submitting supporting affidavits or other necessary documentation, the obligor consents to the disclosure of such information to the garnishor; and

(4) Of the percentage that will be deducted if he/she fails to submit the documentation necessary to enable the governmental entity to respond to the legal process within the time limits set forth in § 581.303.

(b) The governmental entity may provide the obligor with the following additional information:

(1) Copies of any other documents submitted in support of the legal process;

(2) That the United States does not represent the interests of the obligor in the pending legal proceedings;

(3) That the obligor may wish to consult legal counsel regarding defenses to the legal process that he or she may wish to assert; and

(4) That obligors in the uniformed services may avail themselves of the protections provided in sections 520, 521, and 523 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S. Code App. 501 *et seq.*).

§ 581.303 Response to legal process or interrogatories.

(a) Whenever the designated agent is validly served with legal process, the agent shall respond within thirty (30) calendar days, or within such longer period as may be prescribed by applicable State or local law, after the date valid service is made. The agent shall also respond within this time period to interrogatories which accompany legal process.

(b) If State or local law authorizes the issuance of interrogatories prior to or after the issuance of legal process, the agent shall respond to the interrogatories within thirty (30) calendar days after receipt: *Provided,* That the document(s) required by § 581.202(c) have been presented.

§ 581.304 Nonliability for disclosure.

(a) No Federal employee whose duties include responding to interrogatories pursuant to § 581.303(b), shall be subject to any disciplinary action or civil or criminal liability or penalty for any disclosure of information made by him/her in connection with the carrying out of any duties pertaining directly or indirectly to answering the interrogatories.

(b) However, a governmental entity would not be precluded from taking disciplinary action against an employee who consistently or purposely failed to provide correct information requested by interrogatories.

§ 581.305 Honoring legal process.

(a) The governmental entity shall comply with legal process, except where the process cannot be complied with because:

(1) It does not, on its face, conform to the laws of the jurisdiction from which it was issued;

(2) The legal process would require the withholding of funds not deemed moneys due from, or payable by, the United States as remuneration for employment;

(3) The legal process is not brought to enforce legal obligation(s) for alimony and/or child support;

(4) It does not comply with the mandatory provisions of this part;

(5) An order of a court of competent jurisdiction enjoining or suspending the operation of the legal process has been served on the governmental entity; or

(6) Where notice is received that the obligor has appealed the underlying alimony and/or child support order, payment of moneys subject to the legal process shall be suspended until the governmental entity is ordered by a court, or other authority, to resume payments. However, no suspension action shall be taken where the applicable law of the jurisdiction wherein the appeal is filed requires compliance with the legal process while an appeal is pending.

(b) Under the circumstances set forth in § 581.305(a), or where the governmental entity is directed by the Justice Department not to comply with the legal process, the entity shall respond directly to the court, or other authority, setting forth its objections to compliance with the legal process. In addition, the governmental entity shall inform the garnishor, or the garnishor's representative, that the legal process will not be honored. Thereafter, if litigation is initiated or threatened, the entity shall immediately refer the matter to the United States Attorney for the district from which the legal process issued. To ensure uniformity in the executive branch, governmental entities which have statutory authority to represent themselves in court shall coordinate their representation with the United States Attorney.

(c) In the event that a governmental entity is served with more than one legal process for the same moneys due or payable to an individual, then the moneys shall be available to satisfy such processes on a first-come, first-served basis: *Provided,* That in no event will the total amount garnished for any pay or disbursement cycle exceed the applicable limitation set forth in § 581.402.

(d) Neither the United States, any disbursing officer, nor governmental entity shall be liable for any payment made from moneys due from, or payable by, the United States to any individual pursuant to legal process regular on its face, if such payment is made in accordance with this part. However, where a governmental entity negligently fails to comply with legal process, the United States shall be liable for the amount that the governmental entity would have paid, if the legal process had been properly honored.

(e) Governmental entities affected by legal process served under this part shall not be required to vary their normal pay or disbursement cycles to comply with the legal process. However, legal process, valid at the time of service, which is received too late to be honored during the disbursement cycle in which it is received, shall be honored to the extent that the legal process may be satisfied during the next disbursement cycle within the limits set forth in § 581.402. The fact that the legal process may have expired during this period would not relieve the governmental entity of its obligation to honor legal process which was valid at the time of service. If, in the next disbursement cycle, no further payment will be due from the entity to the obligor, the entity shall follow the procedures set forth in § 581.306.

§ 581.306 Lack of moneys due from, or payable by, a governmental entity served with legal process.

(a) When legal process is served on a governmental entity, and the individual identified in the legal process as the obligor is found not to be entitled to moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the governmental entity the entity shall follow the procedures set forth in the legal process for that contingency or, if no procedures are set forth therein, shall return the legal process to the court, or other authority from which it was issued, and advise the court, or other authority, that no moneys, the entitlement to which is based upon remuneration for employment are due from, or payable by, the governmental entity to the named individual.

(b) Where it appears that remuneration for employment is only temporarily exhausted or otherwise unavailable, the court, or other authority, shall be fully advised as to why, and for how long, the remuneration will be unavailable, if that information is known by the governmental entity.

(c) In instances where an obligor employee separates from his/her

employment with a governmental entity which is presently honoring a continuing legal process, the entity shall inform the party who caused the legal process to be served, or the party's representative, and the court, or other authority, that the payments are being discontinued. In cases where the obligor has retired, or separated and requested a refund of retirement contributions, or transferred, or is receiving benefits under the Federal Employee's Compensation Act, and where this information is known by the entity, the entity shall provide the party with the designated agent for the new disbursing governmental entity.

Subpart D—Consumer Credit Protection Act Restrictions

§ 581.401 Aggregate disposable earnings.

The "aggregate disposable earnings", when used in reference to the amounts due from, or payable by, the United States or the District of Columbia which are garnishable under the Consumer Credit Protection Act for child support and/or alimony, are the obligor's remuneration for employment less those amounts deducted in accordance with § 581.105.

§ 581.402 Maximum garnishment limitations.

Pursuant to section 1673(b)(2) (A) and (B) of title 15 of the United States Code (the Consumer Credit Protection Act, as amended), unless a lower maximum garnishment limitation is provided by applicable State or local law, the maximum part of the aggregate disposable earnings subject to garnishment to enforce any support order(s) shall not exceed:

(a) Fifty (50) percent of the obligor's aggregate disposable earnings for any workweek, where he/she asserts by affidavit, or by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than the former spouse and/or child for whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek. An obligor shall be considered to be supporting a spouse and/or dependent child only if the obligor provides over half of the spouse's and/or dependent child's support.

(b) Sixty (60) percent of the obligor's aggregate disposable earnings for any workweek, where he/she fails to assert by affidavit or establishes by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than a former spouse and/or child with respect to whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek.

(c) Where, under § 581.302(a)(2), an obligor submits evidence that he/she is supporting a second spouse and/or child, copies of the evidence shall be sent by the governmental entity to the garnishor, or the garnishor's representative, as well as to the court, or other authority, together with notification that the obligor's support claim will be honored. If the garnishor disagrees with the obligor's support claim, the garnishor should immediately refer the matter to the court, or other authority, for resolution.

Subpart E—Implementation by Governmental Entities

§ 581.501 Rules, regulations, and directives by governmental entities.

Appropriate officials of all governmental entities shall, to the extent necessary, issue implementing rules, regulations, and/or directives that are consistent with this part.

Appendix A—List of Agents Designated to Accept Legal Process

(This appendix lists the agents designated to accept legal process for the executive branch of the United States, including the United States Postal Service, the Postal Rate Commission, the District of Columbia, American Samoa, Guam, the Virgin Islands, and the Smithsonian Institution.)

I. Departments

Department of Agriculture

General Counsel, Department of Agriculture, 14th & Independence Ave., SW., Washington, D.C. 20250, (202) 447–3351.

Department of Commerce

1. For employee obligors in the Office of the Secretary, Economic Development Administration, Domestic and International Business Administration, Bureau of Economic Analysis, Office of Minority Business Enterprise, National Fire Prevention and Control Administration, United States Travel Service, Office of Regional Economic Coordination, Appalachian Regional Commission, and Regional Action Planning Commissions: Director, Finance Operations Division, Department of Commerce, Room 6830–A, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377–2227.

2. Census Bureau: Chief, Finance Division, Bureau of the Census, Suite 111, Iverson Mall, Washington, D.C. 20233, (301) 763–5654.

3. National Oceanic and Atmospheric Administration: Chief, Finance Division, National Oceanic and Atmospheric Administration, Building AD–5, Room 300, 6010 Executive Boulevard, Rockville, MD 20852, (301) 443–8795.

4. Patent and Trademark Office: Director, Office of Finance, Patent and Trademark Office, Room 2–6D–07, Crystal Plaza, Washington, D.C. 20231, (703) 557–3761.

5. National Bureau of Standards, National Technical Information Service, and Office of Telecommunications: Chief, Financial Management Division, National Bureau of Standards, Room A–931, Administration Building, Washington, D.C. 20234, (301) 921–2507.

6. Maritime Administration: Chief, Division of Accounts, Office of Financial Management, Maritime Administration, Room 3090, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377–4764.

7. In cases where the name of the operating unit in the Department of Commerce cannot be ascertained: Chief, Accounting Standards Division, Office of the Secretary, Room 6800, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377–4407.

Department of Defense

Army

Commander, Army Finance and Accounting Center, Attention: FINCL–G, Indianapolis, IN 46249, (317) 542–4284.

Navy

Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (216) 522–5301.

Marine Corps

Commanding Officer, Marine Corps Finance Center (Code AA), Kansas City, MO 64197, (816) 926–7103.

Air Force

1. Active duty, reserve, Air National Guard (ANG), retired military members and civilian employees of appropriated fund activities: Commander, Air Force Accounting and Finance Center, Attention: JA, Denver, CO 80279, (303) 370–7524.

2. Non-appropriated fund civilian employees of base exchanges: Army and Air Force Exchange Service, Attention: GC–G, Dallas, TX 75222, (214) 330–2174.

3. Civilian employees of all other Air Force nonappropriated fund activities: AFMPC/JA, Attention: NAF Law Division, Randolph AFB, TX 78548, (512) 652–6691.

With respect to other civilian employees of Department of Defense agencies, or other employing activities within the Department of Defense or the Military Departments, the Director of the agency or activity shall assist by receiving and forwarding process to the designated agent in the appropriate disbursing office.

Department of Energy

Power Administrations

1. Alaska Power Administration: Administrator, Alaska Power Administration, Department of Energy, P.O. Box 50, Juneau, AK 99802, (907) 586–7405.

2. Bonneville Power Administration: Head, Disbursement Audit Section (SNJ), Bonneville Power Administration,

Department of Energy, 1002 N.E. Holladay, Portland, OR, (503) 234–3361.
3. Southeastern Power Administration: Director, Washington Financial Services Division (CR–46), Mail Station C–212, Department of Energy, Washington, D.C. 20545, (301) 353–5316.
4. Southwestern Power Administration: Chief Counsel, Southwestern Power Administration, Department of Energy, P.O. Drawer 1619, Tulsa, OK 74101, (918) 581–7426.
5. Western Area Power Administration: General Counsel, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231–1529.

Field Offices

1. Albuquerque Operations Office and Richland Operations Office (includes Fast Flux Test Facility Project Office): Chief Counsel, Albuquerque Operations Office, Department of Energy, P.O Box 5400, Albuquerque, NM 87115, (505) 264–7265.
2. Chicago Operations Office and Oak Ridge Operations Office (includes Clinch River Breeder Reactor Project Office, and the Technical Information Center): Chief Counsel, Oak Ridge Operations Office, Department of Energy, P.O. Box E, Oak Ridge, TN 37830, (615) 693–7153.
3. Grand Junction Office, Nevada Operations Office, San Francisco Operations Office: Chief, Collection, Disbursement and Funds Branch, Nevada Operations Office, Department of Energy, P.O. Box 14100, Las Vegas, NV 89114, (702) 734–3166.
4. Idaho Operations Office: Chief, General and Fund Accounting Branch, Idaho Operations Office, Department of Energy, 550 Second Street, Idaho Falls, ID 43201, (208) 526–1598.
5. Savannah River Operations Office: Director, Finance Division, Savannah River Operations Office, Department of Energy, P.O. Box A, Aiken, SC 29801, (803) 725–2681.
6. Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office, Washington Headquarters, and all other organizations: Director, Washington Financial Services Division (CR–46), Mail Station C–212, Department of Energy, Washington, D.C. 20545, (301) 353–5316.

Department of Health and Human Services

Garnishment Agent, Office of General Counsel, Room 5362—North Building, 330 Independence Ave., S.W., Washington, D.C. 20201, (202) 472–3109.

Department of Housing and Urban Development

Chief, Operations Branch, Personnel Systems and Payroll Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 2132, Washington, D.C. 20410, (202) 755–8906.

Department of the Interior

Secretarial Offices; Office of Territorial Affairs; Office of Water Research and Technology; Commission of Fine Arts; Delaware River Basin Commission: and Susquehanna River Basin Commission; Chief, Division of Fiscal Services, Department of the Interior, 18th & C Streets, NW., Room 5261, Washington, D.C. 20240, (202) 343–5207.

Bureau of Mines: Chief, Branch of Finance, Bureau of Mines, Department of the Interior, Denver Federal Center, Bldg. 20, Rm. D–2038, Denver, CO 80225, (303) 234–2354.

Fish and Wildlife Service: Chief, Division of Financial and Management Systems, Fish and Wildlife Service, Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240, (202) 343–8991.

Geological Survey: Chief, Branch of Financial Management, MS 270, Geological Survey, Department of the Interior, 12201 Sunrise Valley Drive, Reston, VA 22092, (804) 860–6181.

Heritage Conservation and Recreation Service: Chief, Division of Personnel and Management, Heritage Conservation and Recreation Service, Department of the Interior, Pension Building, 440 G Street, NW, Washington, D.C. 20243, (202) 343–4275.

National Park Service: Chief, Division of Finance, National Park Service, Department of the Interior, 1100 L Street, NW, Washington, D.C. 20005, (202) 523–5150.

Water and Power Resources Service (formerly Bureau of Reclamation): Chief, Division of Personnel and Management, Water and Power Resources Service, Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240, (202) 343–4626.

Bureau of Indian Affairs: Chief, Branch of Employee Data and Compensation, Bureau of Indian Affairs, Department of the Interior, 500 Gold Avenue, SW., Albuquerque, NM 87103, (505) 766–2936.

Office of Surface Mining Reclamation and Enforcement: Chief, Budget and Financial Management Division, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20245, (202) 343–4926.

Bureau of Land Management: Chief, Division of Finance, Bureau of Land Management, Department of the Interior, 18th & C Streets, NW, Room 3559, Washington, D.C. 20240, (202) 343–3607.

Department of Justice

1. For all employees, except employees of the Federal Bureau of Investigation: Assistant Director, Employee Data Service, Systems Operations Staff, Justice Management Division, Department of Justice, P.O. Box 2922, Washington, D.C. 20013, (202) 633–4442.
2. For employees of the Federal Bureau of Investigation: Personnel Officer, FBI Headquarters, Department of Justice, J. Edgar Hoover Building, Room 6052, Washington, D.C. 20535, (202) 324–4981.

Department of Labor

1. Payments to employees of the Department of Labor: Director, Office of Accounting, Room N1309, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–8314.
2. Process relating to moneys due and payable by the United States under the Longshoremen's Act should be directed to the: Associate Director for Longshore and Harbor Workers' Compensation, Room C–3520, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–8721.
3. Process relating to benefits payable under the Federal Employees' Compensation Act should be directed to the appropriate district office of the Office of Workers' Compensation Programs.

District No. 1

Deputy Commissioner, Office of Workers' Compensation Programs, Room 1800, John F. Kennedy Building, Government Center, Boston, MA 12203, (617) 223–6755.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

District No. 2

Deputy Commissioner, Office of Workers' Compensation Programs, 1515 Broadway (at West 44th), New York, NY 10036, (212) 399–5501.

New Jersey, New York, Puerto Rico, and the Virgin Islands

District No. 3

Deputy Commissioner, Office of Workers' Compensation Programs, Gateway Building, Room 2150, 3535 Market Street, Philadelphia, PA 19104, (215) 596–1180.

Delaware, Pennsylvania, and West Virginia

District No. 6

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 400 West Bay Street, Box 35049, Jacksonville, FL 32202, (904) 791–3426.

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

District No. 7

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, (504) 589–6135.

Arkansas and Louisiana

District No. 9

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 1240 East 9th Street, Room 867, Cleveland, OH 44199, (216) 522–3803.

Indiana, Michigan, and Ohio

District No. 10

Deputy Commissioner, Office of Workers' Compensation Programs, 230 S. Dearborn Street, 8th Floor, Chicago, IL 60604, (312) 353–5650.

Illinois, Minnesota, and Wisconsin

District No. 11

Deputy Commissioner, Office of Workers' Compensation Programs, 1910 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106, (816) 374–2723.

District No. 12

Deputy Commissioner, Office of Workers' Compensation Programs, Drawere 3558,

Federal Building, 1961 Stout Street, Denver, CO 80202, (303) 837–5402.

Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming

District No. 13

Deputy Commissioner, Office of Workers' Compensation Programs, 450 Golden Gate Avenue, Box 36022, San Francisco, CA 94102, (415) 556–6183.

Arizona, California, and Nevada

District No. 14

Deputy Commissioner, Office of Workers' Compensation Programs, 4010 Federal Office Building, 909 First Avenue, Seattle, WA 98174, (206) 442–5521.

Alaska, Idaho, Oregon, and Washington

District No. 15

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 300 Ala Moana Boulevard, Room 5108, Box 50209, Honolulu, HI 96850, (808) 546–836.

All land and water areas west of the continents of North and South America to 60 degrees east longitude (excluding Iran)

District No. 16

Deputy Commissioner, Office of Workers' Compensation Programs, 555 Griffin Square Building, Room 100, Griffin and Young Streets, Dallas, TX 75201, (214) 767–4712.

Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

District No. 17

Deputy Commissioner, Office of Workers' Compensation Programs, 1371 Peachtree Street, NE, Room 331, Atlanta, GA 30309, (404) 881–7566.

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

District No. 25

Assistant Deputy Commissioner, Office of Workers' Compensation Programs, 666 11th Street, NW., Room 405, Washington, D.C. 20211, (202) 724–0713.

District of Columbia, Maryland, and Virginia

4. Process relating to claims arising out of the places set forth below and process seeking to attach Federal Employees' Compensation Act benefits payable to employees of the Department of Labor should be directed to the: Associate Director for Federal Employees' Compensation, Room S3229, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–7552.

Canada, Mexico, Central and South America, and all land and water areas east of the continents of North and South America to 60 degrees east longitude (including Iran but excluding Puerto Rico and the Virgin Islands)

Department of State

Secretary, Attention: Executive Director, Office of the Legal Adviser (L–EX), 2201 C Street, NW., Washington, D.C. 20502, (202) 632–0460.

Agency for International Development—Chief, Employee Relations Branch, Agency for International Development, SER/PM/PS/ER, Room 100–D, State Annex 2, Washington, D.C. 20523, (202) 632–2954.

Department of Transportation

Office of the Secretary, General Counsel, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–4702.

United States Coast Guard, Chief Counsel, 2100 2nd Street, SW., Washington, D.C. 20593, (202) 426–1616.

Federal Aviation Administration, Chief Counsel, 800 Independence Avenue, SW., Washington, D.C. 20590, (202) 426–3773.

Federal Highway Administration, Chief Counsel, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–0740.

Federal Railroad Administration, Chief Counsel, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–0767.

National Highway Traffic Safety Administration, Chief Counsel, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–9511.

Urban Mass Transportation Administration, Chief Counsel, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–4063.

St. Lawrence Seaway Development Corporation, General Counsel, P.O. Box 520, Massena, New York, 13662, (315) 764–0271.

Research and Special Programs Administration, Chief Counsel, 400 7th Street, SW., Washington, D.C. 20590, (202) 755–4972.

Department of the Treasury

1. Office of the Secretary—General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220, (202) 566–2093.
2. Office of Revenue Sharing—Chief Counsel, Fifteenth Floor, 2401 E Street, NW., Washington, D.C. 20226, (202) 634–5182.
3. Office of Foreign Assets Control—Chief Counsel, Room, 401, 1331 G Street, NW., Washington, D.C. 20220, (202) 376–0236.
4. U.S. Savings Bond Division—Assistant General Counsel (ALFO), Room 1410, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220, (202) 566–8464.
5. Bureau of Government Financial Operations—Assistant General Counsel (ALFO), Room 1410, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220, (202) 566–8464.
6. Internal Revenue Service—Director, General Legal Services Division, Office of Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, (202) 566–3488.
7. Bureau of Alcohol, Tobacco & Firearms—Chief Counsel, Room 5526, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226, (202) 566–7772.
8. Bureau of Public Debt—Chief Counsel, Room 309, Washington Building, Washington, D.C. 20226, (202) 376–0244.
9. Secret Service—Legal Counsel, Room 842, 1800 G Street, N.W., Washington, D.C. 20223, (202) 535–5771.
10. Bureau of Engraving & Printing—Legal Counsel, Room 109M, 14th & C Streets, N.W., Washington, D.C. 20228, (202) 447–1425.
11. Office of the Comptroller of the Currency—Director, Litigation, Office of Chief Counsel, Fifth Floor, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, (202) 447–1893.
12. Bureau of the Mint—Legal Counsel, Room 1033, 501 13th Street, N.W., Washington, D.C. 20220, (202) 376–0565.
13. Federal Law Enforcement Training Center—Legal Counsel, Building 94, Glynco, GA 31520, (912) 267–2441.
14. Customs Service

(a) Headquarters (Washington, D.C.) and Overseas employees: Assistant Chief Counsel of Customs (Hearings and Claims), 1301 Constitution Ave., N.W., Washington, D.C. 20229, (202) 566–2482.

(b) Employees not located at headquarters or overseas, service of process may be made upon the Regional Counsel of Customs in whose region the obligor is employed, as listed below:

Region I—Regional Counsel of Customs, Suite 1739, 100 Summer Street, Boston, MA 02110, (617) 223–0075.

Region II—Regional Counsel of Customs, Room 732, 6 World Trade Center, New York, NY 10048, (212) 466–4562.

Region III—Regional Counsel of Customs, 40 S. Gay Street, Baltimore, MD 21202, (301) 962–4119.

Region IV—Regional Counsel of Customs, 99 S.E. 5th Street, Miami, FL 33131, (305) 350–4321.

Region V—Regional Counsel of Customs, Suite 2422, 1440 Canal Street, New Orleans, LA 70112, (504) 589–6981.

Region VI—Regional Counsel of Customs, Suite 1220, 500 Dallas Avenue, Houston, TX 77002, (713) 226–4887.

Region VII—Regional Counsel of Customs, 300 N. Los Angeles Street, Los Angeles, CA 90053, (213) 688–5936.

Region VIII—Regional Counsel of Customs, Suite 1000, 211 Main Street, San Francisco, CA 94105, (415) 556–3873.

Region IX—Regional Counsel of Customs, Suite 1417, 55 E. Monroe Street, Chicago, IL 60603, (312) 353–7860.

II. Agencies

(Unless otherwise indicated below, all agencies of the executive branch shall be subject to service of legal process brought for the enforcement of an individual's obligation to provide child support and/or make alimony payments where such service is sent by certified or registered mail, return receipt requested, or by personal service, upon the head of the agency.)

Central Intelligency Agency

Director of Personnel Policy, Planning, and Management, Central Intelligence Agency, Washington, D.C. 20505, or

Chief, Special Activities Staff, Office of Personnel Policy, Planning, and Management, Central Intellignece Agency, Washington, D.C. 20505, (703) 351–3452.

Consumer Product Safety Commission

Office of the General Counsel, Room 509, 1111 18th Street, NW., Washington, D.C. 20207, (202) 634–7770.

Federal Maritime Commission

Director of Personnel/Deputy Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Room 11213, Washington, D.C. 20573, (202) 523–5773.

Federal Mediation and Conciliation Service

General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C. 20427, (202) 653–5209.

International Communication Agency

General Counsel, International Communication Agency, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, (202) 724–9563.

National Aeronautics and Space Administration

NASA Headquarters—Assistant General Counsel for Litigation, 400 Maryland Avenue, SW, Washington, D.C. 20546, (202) 755–3920.

NASA Field Installations—

Chief Counsel, Ames Research Center, Moffett Field, CA 94035, (415) 965–5103.

Chief Counsel, Dryden Flight Research Center, Edwards, CA 93520, (805) 258–8787.

Chief Counsel, Goddard Space Flight Center, Greenbelt, MD 20771, (301) 344–8887.

Chief Counsel, Johnson Space Center, Houston, TX 77058, (713) 483–3021.

Chief Counsel, Kennedy Space Center, Kennedy Space Center, FL 32899, (305) 867–2550.

Chief Counsel, Langley Research Center and Wallops Flight Center, Hampton, VA 23665, (804) 827–3397.

NASA Field Installations—

Chief Counsel, Lewis Research Center, Cleveland, OH 44135, (216) 433–6411.

Chief Counsel, Marshall Space Flight Center, Marshall Space Flight Center, AL 35812, (205) 453–2440.

Chief Counsel, National Space Technology Laboratories, NSTL Station, MS 39529, (601) 688–2164.

National Science Foundation

General Counsel, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, (202) 634–4286.

Nuclear Regulatory Commission

Controller, Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–7521.

Office of Personnel Management

1. Payments to OPM employees: Director, Office of Personnel Management, Washington, D.C. 20415, (202) 632–5524.
2. Payments of retirement benefits under the Civil Service Retirement System: Associate Director for Compensation, Office of Personnel Management, Allotment Section, P.O. Box 17, Washington, D.C. 20044, (202) 632–5437.

Panama Canal Commission

Executive Secretary, Panama Canal Commission, APO Miami 34011, (52–3519).

Pension Benefit Guaranty Corporation

General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, (202) 254–4864.

Railroad Retirement Board

General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, (312) 751–4935.

Selective Service System

General Counsel, Selective Service System, 600 E Street, NW., Washington, D.C. 20435, (202) 724–0433.

Small Business Administration

(District Directors are designated to accept legal process for their respective districts as set forth in 13 CFR 101.3–1.)

District Director, Boston District Office, 150 Causeway Street, Boston, MA 02114, (617) 223–2100.

District Director, Augusta District Office, 40 Western Avenue, Augusta, ME 04330, (207) 622–6171.

District Director, Concord District Office, 55 Pleasant Street, Concord, NH 03301, (603) 224–4041.

District Director, Hartford District Office, One Financial Plaza, Hartford CT (203) 244–3600.

District Director, Montpelier District Office, 87 State Street, Montpelier, VT 05602 (802) 229–0538.

District Director, Providence District Office, 57 Eddy Street, Providence, RI 02903 (401) 528–4580.

District Director, New York District Office, 26 Federal Plaza, New York, NY 10007 (212) 264–4355.

District Director, Hato Rey District Office, Chardon & Bolivia Streets, Hato Rey, PR 00918 (809) 753–4572.

District Director, Newark District Office, 970 Broad Street, Newark, NJ 07102 (201) 645–2434.

District Director, Syracuse District Office, 100 South Clinton Street, Syracuse, NY 13260 (315) 423–5383.

District Director, Philadelphia District Office, 231 St. Asaphs Road, Bala Cynwyd, PA 19004 (215) 597–3311.

District Director, Baltimore District Office, 8600 LaSalle Road, Towson, MD 21204 (301) 962–4392.

District Director, Clarksburg District Office, 109 North 3rd Street, Clarksburg, WV 26301 (304) 623–5631.

District Director, Pittsburgh District Office, 1000 Liberty Avenue, Pittsburgh, PA 15222 (412) 644–2780.

District Director, Richmond District Office, 400 North 8th Street, Richmond, VA 23240 (804) 782–2617.

District Director, Washington District Office, 1030 15th Street, NW., Washington, D.C. 20417 (202) 655–4000.

District Director, Atlanta District Office, 1720 Peachtree Street, NW., Atlanta, GA 30309 (404) 881–4325.

District Director, Birmingham District Office, 908 South 20th Street, Birmingham, AL 35205 (205) 254–1344.

District Director, Charlotte District Office, 230 S. Tryon Street, Charlotte, NC 28202 (704) 371–6111.

District Director, Columbia District Office, 1835 Assembly Street, Columbia, SC 29201 (803) 765–5376.

District Director, Jackson District Office, 100 West Capitol Street, Jackson, MS 39201 (601) 969–4371.

District Director, Jacksonville District Office, 400 West Bay Street, Jacksonville, FL 32202 (904) 791–3782.

District Director, Louisville District Office, 600 Federal Place, Louisville, KY 40201 (502) 582–5971.

District Director, Miami District Office, 2222 Ponce De Leon Blvd., Coral Gables, FL 33134 (305) 350–5521.

District Director, Nashville District Office, 404 James Robertson Parkway, Nashville, TN 37219 (615) 251–5881.

District Director, Chicago District Office, 219 South Dearborn Street, Chicago, IL 60604 (312) 353–4528.

District Director, Cleveland District Office, 1240 East 9th Street, Cleveland, OH 44199 (216) 522–4180.

District Director, Columbus District Office, 85 Marconi Boulevard, Columbus, OH 43215 (614) 469–6860.

District Director, Detroit District, 477 Michigan Avenue, Detroit, MI 48226 (313) 226–6075.

District Director, Indianapolis District Office, 575 N. Pennsylvania Street, Indianapolis, IN 46204 (317) 269–7272.

District Director, Madison District Office, 212 E. Washington Avenue, Madison, WI 53703 (608) 264–5261.

District Director, Minneapolis District Office, 12 South 6th Street, Minneapolis, MN 55402 (612) 725–2362.

District Director, Dallas District Office, 1100 Commerce Street, Dallas, TX 75242 (214) 767–0605.

District Director, Albuquerque District Office, 5000 Marble Avenue, NE, Albuquerque, NM 87110 (505) 766–3430.

District Director, Houston District Office, 500 Dallas Street, Houston, TX 77002 (713) 226–4341.

District Director, Little Rock District Office, 611 Gaines Street, Little Rock, AR 72201 (501) 378–5871.

District Director, Lubbock District Office, 1205 Texas Avenue, Lubbock, TX 79401 (806) 762–7466.

District Director, Lower Rio Grande Valley District Office, 222 East Van Buren Street, Harlingen, TX 78550 (512) 423–4534.

District Director, New Orleans District Office, 1001 Howard Avenue, New Orleans, LA 70113 (504) 589–6685.

District Director, Oklahoma City District Office, 200 N.W. 5th Street, Oklahoma City, OK 73102 (405) 231–4301.

District Director, San Antonio District Office, 727 East Durango Street, San Antonio, TX 78206 (512) 229–6250.

District Director, Kansas City District Office, 1150 Grande Avenue, Kansas City, MO 64106 (816) 374–3416.

District Director, Des Moines District Office, 210 Walnut Street, Des Moines, IA 50309 (515) 284–4422.

District Director, Omaha District Office, 19th & Farnum Street, Omaha, NE 68102 (404) 221–4691.
District Director, St. Louis District Office, One Mercantile Center, St. Louis, MO 63101, (314) 425–4191.
District Director, Wichita District Office, 110 East Waterman Street, Wichita, KS 67202, (316) 267–6571.
District Director, Denver District Office, 721 19th Street, Denver, CO 80202, (303) 837–2607.
District Director, Casper District Office, 100 East B Street, Casper, WY 82602, (307) 265–5266.
District Director, Fargo District Office, 657 2nd Avenue, North, Fargo, ND 58108, (701) 237–5771.
District Director, Helena District Office, 301 South Park Avenue, Helena, MT 59601, (406) 449–5381.
District Director, Salt Lake City District Office, 125 South State Street, Salt Lake City, UT 84138, (314) 425–5800.
District Director, Sioux Falls District Office, 101 South Main Avenue, Sioux Falls, ND 57102, (605) 336–2980.
District Director, San Francisco District Office, 211 Main Street, San Francisco, CA 94105, (415) 556–7490.
District Director, Honolulu District Office, 300 Ala Moana, Honolulu, HI 96850, (808) 546–8950.
District Director, Los Angeles District Office, 350 S. Figueroa Street, Los Angeles, CA 90071, (213) 688–2956.
District Director, Phoenix District Office, 3030 North Central Avenue, Phoenix, AZ 85012, (602) 261–3611.
District Director, San Diego District Office, 880 Front Street, San Diego, CA 92188, (714) 293–5440.
District Director, Seattle District Office, 915 Second Avenue, Seattle, WA 98174, (206) 442–5534.
District Director, Las Vegas District Office, 301 E. Stewart, Las Vegas, NV 89101, (702) 385–6611.
District Director, Anchorage District Office, 1016 West 6th Avenue, Anchorage, AK 99501, (907) 271–4022.
District Director, Boise District Office, 1005 Main Street, Boise, ID 83701, (208) 384–1096.
District Director, Portland District Office, 1220 S.W. Third Avenue, Portland, OR 97204, (503) 221–2682.
District Director, Spokane District Office, West 920 Riverside Avenue, Spokane, WA 99210, (509) 456–3310.

Tennessee Valley Authority

1. Payments to TVA employees: Chairman, Board of Directors, Tennessee Valley Authority, 400 Commerce Avenue, Knoxville, TN 37902, (615) 632–2101.
2. Payments of retirement benefits under the TVA Retirement System: Chairman, Board of Directors, TVA Retirement System, 400 Commerce Avenue, Knoxville, TN 37702, (615) 632–2904.

Veterans Administration

The fiscal officer at each VA facility shall be the designated agent for VA employee obligors at that facility. When a facility at which an individual is employed does not have a fiscal officer, the address and telephone number listed is for the fiscal officer servicing such a facility.

In those limited cases where a portion of VA service-connected benefits may be subject to garnishment, service of process, unless otherwise indicated below, should be made at the regional office nearest the veteran obligor's permanent residence.

Alabama

Fiscal Officer, Birmingham Medical Center, 700 South 19th Street, Birmingham, AL 35233, (205) 933–8101.
Mobile Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 215 Perry Hill Road, Montgomery, AL 36109 (205) 272–4670 ext. 204.
National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501 (601) 863–1972 ext. 225.
Fiscal Officer, Montgomery Regional Office, 474 South Court Street, Montgomery, AL 36104 (205) 832–7172.
Fiscal Officer, Montgomery Medical Center, 215 Perry Hill Road, Montgomery, AL 36109 (205) 272–4670 ext. 204.
Fiscal Officer, Tuscaloosa Medical Center, Tuscaloosa, AL 35401 (205) 553–3760.
Fiscal Officer, Tuskegee Medical Center, Tuskegee, AL 36083 (205) 727–0550 ext. 0622.

Alaska

Fiscal Officer, Anchorage Regional Office—Outpatient Clinic, Old Federal Bldg. & Post Office, 605 West 4th Avenue, Anchorage, AK 99501 (907) 271–4562.
Juneau VA Office—Send to: Fiscal Officer, VA Regional Office, Old Federal Bldg. & Post Office, 605 West 4th Avenue, Anchorage, AK 99501 (907) 271–4562.
Sitka National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 4435 Beacon Avenue, South, Seattle, WA 98108 (206) 762–1016 ext. 286.

Arizona

Fiscal Officer, Phoenix Regional Office, 3225 North Central Avenue, Phoenix, AZ 85102 (602) 241–2735.
Fiscal Officer, Phoenix Medical Center, Seventh St. & Indian School Rd., Phoenix, AZ 85012 (602) 277–5551.
Fiscal Officer, Prescott Medical Center, Prescott, AZ 86313 (602) 445–4860 ext. 264.
Prescott National Cemetery Area Office—Send to: Fiscal Officer, VA Center, Prescott, AZ 86313 (602) 445–4860 ext. 264.
Fiscal Officer, Tucson Medical Center, Tucson, AZ 85723 (602) 792–1450 ext. 710.

Arkansas

Fayetteville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701 (501) 443–4301.
Fiscal Officer, Fayetteville Medical Center, Fayetteville, AR 72701 (501) 443–4301.
Fort Smith National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701 (501) 443–4301.
Fiscal Officer, Little Rock Regional Office, 1200 W. 3d Street, Little Rock, AR 72201 (501) 378–5142.
Fiscal Officer, Little Rock Medical Center, 300 Roosevelt Road, Little Rock, AR 72206 (501) 372–8361 ext. 781.

California

Bell Supply Depot—Send to: Fiscal Officer, VA Supply Depot, P.O. Box 27, Hines, IL 60141, (312) 681–6800.
Fiscal Officer, Fresno Medical Center, 2615 East Clinton Avenue, Fresno, CA 94703, (209) 225–6100.
Fiscal Officer, Livermore Medical Center, Livermore, CA 94550, (415) 447–2560 ext. 217.
Fiscal Officer, Loma Linda Medical Center, 11201 Benton Street, Loma Linda, CA 92357, (714) 825–7084 ext. 2550/2551.
Fiscal Officer, Long Beach Medical Center, 5901 East Seventh Street, Long Beach, CA 90822, (213) 498–1313 ext. 2101.
Fiscal Officer, Los Angeles Regional Office, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, CA 90024, (213) 824–7565; Jurisdiction over the following counties in California: Inyo, Kern, Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara and Ventura.
Los Angeles Data Processing Center—Send to: Fiscal Officer, VA Regional Office, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, CA 90024, (213) 824–7565.
Fiscal Officer, Los Angeles Medical Center, Los Angeles (Brentwood), CA 90073, (213) 478–3478.
Fiscal Officer, Los Angeles Medical Center, Los Angeles (Wadsworth), CA 90073, (213) 478–3478.
Fiscal Officer, Los Angeles Outpatient Clinic, 425 South Hill Street, Los Angeles, CA 90013, (213) 688–3870.
Los Angeles Field Office of Audit—Send to: Fiscal Officer, VA Medical Center, Los Angeles (Wadsworth), CA 90073, (213) 478–3478.
Los Angeles National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Los Angeles (Brentwood), CA 90073, (213) 478–3478.
Fiscal Officer, Martinez Medical Center, 150 Muir Rd., Martinez, CA 94553, (415) 228–6800 ext. 235.
Fiscal Officer, Palo Alto Medical Center, 3801 Miranda Avenue, Palo Alto, CA 94304, (415) 493–5000 ext. 5643.
Riverside National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Los Angeles (Wadsworth), CA 90073, (213) 478–3478.
San Bruno National Cemetery Area Officer—Send to: Fiscal Officer, VA Medical Center, 4150 Clement Street, San Bruno, CA 94121, (415) 221–4810 ext. 315/316.
Fiscal Officer, San Diego Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161 (714) 453–7500 ext. 3351.
San Diego National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161, (714) 453–7500 Ext. 3351.
San Diego Outpatient Clinic—Send to: VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161, (714) 453–7500 ext. 3351.

Fiscal Officer, San Diego Regional Office, 2022 Camino Del Rio North, San Diego, CA 92108, (714) 293–5703; Jurisdiction over the following counties in California: Imperial, Riverside and San Diego.

San Francisco National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 4150 Clement Street, San Francisco, CA 94121 (415) 221–4810 ext. 315/316.

Fiscal Officer, San Francisco Regional Office, 211 Main Street, San Francisco, CA 94105 (415) 556–0483; Jurisdiction over all counties in California except Inyo, Kern, Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, Alpine, Lassen, Modoc and Mono.

Fiscal Officer, San Francisco Medical Center, 4150 Clement Street, San Francisco, CA 94121 (415) 221–4810 ext. 315/316.

Fiscal Officer, Sepulveda Medical Center, 16111 Plummer Street, Sepulveda, CA 91343 (213) 891–2377.

Colorado

Fiscal Officer, Denver Regional Office, Denver Federal Center, Bldg. 20, Denver CO 80225 (303) 234–3920.

Fiscal Officer, Denver Medical Center, 1055 Clermont Street, Denver, CO 80220 (303) 399–8020.

Denver National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220 (303) 399–8020.

Fort Logan National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220 (303) 399–8020.

Fort Lyon National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Fort Lyon, CO 81038 (303) 456–1260.

Fiscal Officer, Fort Lyon Medical Center, Fort Lyon, CO 81038 (303) 456–1260.

Fiscal Officer, Grand Junction Medical Center, Grand Junction, CO 81501 (303) 242–0731.

Connecticut

Fiscal Officer, Hartford Regional Office, 450 Main Street, Hartford, CT 06103 (203) 244–3217.

Fiscal Officer, Newington Medical Center, 555 Willard Avenue, Newington, CT 06111 (203) 666–6951 ext 370.

Fiscal Officer, West Haven Medical Center, West Spring Street, West Haven, CT 06516 (203) 932–5711 ext. 271.

Delaware

Fiscal Officer, Wilmington Medical and Regional Office Center, 1601 Kirkwood Highway, Wilmington, DE 19805 (302) 994–2511.

District of Columbia

Finance Division Chief (047B2), Washington Central Office, Room C–50, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202) 389–3901.

Washington Data Processing Center—Send to: Finance Division Chief (047B2), VA Central Office, Room C–50, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202) 389–3901.

Washington Veterans Canteen Service Field Office—Send to: Finance Division Chief (047B2), VA Central Office, Room C–50, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202) 389–3901.

Fiscal Office, Washington Regional Officer, 941 North Capitol Street, NE, Washington, D.C. 20421 (202) 275–1349; Jurisdiction over all foreign countries or oversees areas except Mexico, American Samoa, Guam, Midway, Wake, Trust Territory of the Pacific Islands, Virgin Islands and Philippines. Also, jurisdiction over Prince Georges and Montgomery Counties in Maryland; Fairfax and Arlington Counties and the cities of Alexandria, Fairfax and Falls Church in Virginia.

Fiscal Officer, Washington Medical Center, 50 Irving Street, NW, Washington, D.C. 20422 (202) 389–7593.

Florida

Fiscal Officer, Bay Pines Medical Center, National Cemetery Area Office, Bay Pines, FL 33504 (813) 391–9644 ext. 584.

Fiscal Officer, Gainesville Medical Center, Archer Road, Gainesville, FL 32602 (904) 376–1611 ext. 6685.

Jacksonville Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602 (904) 376–1611 ext. 6685.

Jacksonville VA Office—Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731 (813) 893–3227.

Fiscal Officer, Lake City Medical Center, Lake City, FL 32055 (904) 752–1400.

Miami VA Office—Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731 (813) 893–3227.

Fiscal Officer, Miami Medical Center, 1201 Northwest 16th St., Miami, FL 33125 (305) 324–4455.

Orlando Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 1300 North 30th Street, Tampa, FL 33612 (813) 971–4500.

Riviera Beach Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 1201 Northwest 16th St., Miami, FL 33125 (305) 324–4455.

Pensacola National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501 (601) 863–1972 ext. 225.

St. Augustine National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602 (904) 376–1611 ext. 6685.

Fiscal Officer, St. Petersburg Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731 (813) 893–3227.

Fiscal Officer, Tampa Medical Center, 13000 North 30th Street, Tampa, FL 33612 (813) 971–4500.

Georgia

Fiscal Officer, Atlanta Regional Office, 730 Peachtree Street, NE, Atlanta, GA 30308 (404) 881–3381.

Atlanta Veterans Canteen Service Field Office—Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033 (404) 321–6111.

Atlanta National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033 (404) 321–6111.

Atlanta Field Office of Audit—Send to: Fiscal Officer, VA Regional Office, 730 Peachtree Street, NE, Atlanta, GA 30308 (404) 881–3381.

Fiscal Officer, Augusta Medical Center, Augusta, GA 30904 (404) 733–4471 ext. 675–676.

Fiscal Officer, Decatur Medical Center, 1670 Clairmont Road, Decatur, GA 30033 (404) 321–6111.

Fiscal Officer, Dublin Medical Center, Dublin, GA 31021 (912) 272–1210 ext. 373.

Marietta National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033 (404) 321–6111.

Hawaii

Fiscal Officer, Honolulu Regional Office, P.O. Box 50188, Honolulu, HI 96850 (808) 546–2109; Jurisdiction over Islands of American Samoa, Guam, Wake, Midway and Trust Territory of the Pacific Islands.

Honolulu National Cemetery Area Office—Send to: Fiscal Officer, VA Regional Office, P.O. Box 50188, Honolulu, HI 96850 (808) 546–2109.

Idaho

Fiscal Officer, Boise Medical Center, Fifth and Fort Street, Boise, ID 83702 (208) 336–5100 ext. 315.

Fiscal Officer, Boise Regional Office, Federal Bldg. & U.S. Courthouse, 550 West Fort St., Box 044, Boise ID 83724 (208) 334–1009.

Illinois

Alton National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125 (314) 894–4631.

AMF O'Hare Field Office of Audit—Send to: Fiscal Officer, VA Medical Center, Hines, IL 60141 (312) 343–7200 ext. 2481.

Fiscal Officer, Chicago Regional Office, 536 South Clark Street, Chicago, IL 60680 (312) 353–4025.

Fiscal Officer, Chicago Medical Center, 333 East Huron St. (Lakeside), Chicago, IL 60611 (312) 943–6600.

Fiscal Officer, Chicago Medical Center, 820 South Damen Avenue (West Side), Chicago, IL 60680 (312) 666–6500 ext. 281.

Fiscal Officer, Danville Medical Center, Danville, IL 61832 (217) 442–8000.

Danville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Danville, IL 61832 (217) 442–8000.

Fiscal Officer, Hines Medical Center, Hines, IL 60141 (312) 343–7200 ext. 2481.

Hines Marketing Center—Send to: Fiscal Officer, VA Supply Depot, P.O. Box 27, Hines, IL 60141 (312) 681–6800.

Fiscal Officer, Hines Supply Depot, P.O. Box 27, Hines, IL 60141 (312) 681–6800.

Fiscal Officer, Hines Data Processing Center, P.O. Box 66303, AMF O'Hare, Hines, IL 60666 (312) 681–6650.

Fiscal Officer, Marion Medical Center, Marion, IL 62959 (618) 997–5311.

Mound City National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Marion, IL 62959 (618) 997–5311.
Fiscal Officer, North Chicago Medical Center, North Chicago, IL 60064 (312) 689–1900.
Quincy National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240 (319) 338–0581 ext. 304.
Rock Island National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240 (319) 338–0581 ext. 304.
Springfield National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Danville, IL 61832 (217) 442–8000.

Indiana

Evansville Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, Marion, IL 62959 (618) 997–5311.
Fiscal Officer, Fort Wayne Medical Center, 1600 Randalia Drive, Fort Wayne, IN 46805 (219) 743–5431.
Fiscal Officer, Indianapolis Regional Office, 575 North Pennsylvania St., Indianapolis, IN 46204 (317) 269–7840.
Fiscal Officer, Indianapolis Medical Center, 1481 West 10th Street, Indianapolis, IN 46202 (317) 635–7401 ext. 2293.
Indianapolis National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202 (317) 635–7401 ext. 2293.
Fiscal Officer, Marion Medical Center, Marion, IN 46952 (317) 674–3321 ext. 211.
Marion National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Marion, IN 46952 (317) 674–3321 ext. 211.
New Albany National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202 (502) 895–3401.

Iowa

Fiscal Officer, Des Moines Regional Office, 210 Walnut Street, Des Moines, IA 50309 (515) 284–4220.
Fiscal Officer, Des Moines Medical Center, 30th & Euclid Avenue, Des Moines, IA 50310 (515) 255–2173.
Fiscal Officer, Iowa City Medical Center, Iowa City, IA 52240 (319) 338–0581 ext. 304.
Keokuk National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240 (319) 338–0581 ext. 304.
Fiscal Officer, Knoxville Medical Center, Knoxville, KY 50138 (515) 842–3101 ext. 241.

Kansas

Ft. Leavenworth National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048 (913) 682–2000 ext. 214.
Ft. Scott National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048 (913) 682–2000 ext. 214.
Leavenworth National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048 (913) 682–2000 ext. 214.
Fiscal Officer, Leavenworth Medical Center, Leavenworth, KS 66048 (913) 682–2000 ext. 214.
Fiscal Officer, Topeka Medical Center, 2200 Gage Blvd., Topeka, KS 66622 (913) 272–3111 ext. 521.
Fiscal Officer, Wichita Medical Center, 5500 East Kellogg, Wichita, KS 67218 (316) 685–2221 ext. 256.
Wichita Regional Office—Send to: VA Medical Center, 5500 East Kellogg, Wichita, KS 67211 (316) 685–2221 ext. 256; Process for VA service-connected benefits should also be sent to the Wichita Medical Center, rather than to the Wichita Regional Office.

Kentucky

Danville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507 (606) 233–4511.
Lebanon National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507 (606) 233–4511.
Lexington National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507 (606) 233–4511.
Fiscal Officer, Lexington Medical Center, Lexington, KY 40507 (606) 233–4511.
Fiscal Officer, Louisville Regional Office, 600 Federal Place, Louisville, KY 40202 (502) 582–6482.
Fiscal Officer, Louisville Medical Center, 800 Zorn Avenue, Louisville, KY 40202 (502) 895–3401.
Louisville National Cemetery Area Office (Zachary Taylor)—Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202 (502) 895–3401.
Louisville National Cemetery Area Office (Cave Hill)—Send to: Fiscal Officer, VA Medial Center, 800 Zorn Avenue, Louisville, KY 40202 (502) 895–3401.
Nancy National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507 (606) 233–4511.
Nicholasville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507 (606) 233–4511.
Perryville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507 (606) 233–4511.

Louisiana

Fiscal Officer, Alexandria Medical Center, Alexandria, LA 71301 (318) 442–0251.
Baton Rouge National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1601 Perdido Street, New Orleans, LA 70146 (504) 568–0811.
Fiscal Officer, New Orleans Regional Office, 701 Loyola Avenue, New Orleans, LA 70113 (504) 589–6604.
Fiscal Officer, New Orleans Medical Center, 1601 Perdido St., New Orleans, LA 70146 (504) 568–0811.
Pineville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Alexandria, LA 71301 (318) 442–0251.
Fiscal Officer, Shreveport Medical Center, 510 East Stoner Avenue, Shreveport, LA 71130 (318) 221–8411 ext. 722.
Shreveport VA Office—Send to: Fiscal Officer, VA Regional Office, 701 Loyola Avenue, New Orleans, LA 70113 (504) 589–6604.
Zachary National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1601 Perdido St., New Orleans, LA 70146 (504) 568–0811.

Maine

Portland VA Office—Send to: Fiscal Officer, VA Center, Togus, ME 04330 (207) 623–8411.
Fiscal Officer, Togus Medical & Regional Office Center, Togus, ME 04330 (207) 623–8411.
Togus National Cemetery Area Office—Send to: Fiscal Officer, VA Center, Togus, ME 04330 (207) 623–8411.

Maryland

Annapolis National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218 (301) 467–9932 ext. 5281/5282.
Fiscal Officer, Baltimore Regional Office, Federal Bldg., 31 Hopkins Plaza, Baltimore, MD 21201 (301) 962–4410; Jurisdiction does not include Prince Georges and Montgomery Counties which are included under the Washington, D.C. Regional Office.
Baltimore Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218 (301) 467–9932 ext. 5281/5282.
Fiscal Officer, Baltimore Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218 (301) 467–9932 ext. 5281/5282.
Baltimore National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218 (301) 467–9932 ext. 5281/5282.
Baltimore National Cemetery Area Office (Loudon Park)—Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218 (301) 467–9932 ext. 5281/5282.
Fiscal Officer, Fort Howard Medical Center, Fort Howard, MD 21052 (301) 447–1800 ext. 328.
Hyattsville Field Office of Audit—Send to: Finance Division Chief (047B2), VA Central Office, Room C–50, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202) 389–3901.
Fiscal Officer, Perry Point Medical Center, Perry Point, MD 21902 (301) 642–2411 ext. 313.

Massachusetts

Fiscal Officer, Bedford Medical Center, 200 Springs Road, Bedford, MA 01730 (617) 275–7500.
Fiscal Officer, Boston Regional Office, John Kennedy Bldg., Government Center, Boston, MA 02203 (617) 223–3034; Jurisdiction over certain towns in Bristol and Plymouth Counties and the counties of Barnstable, Dukes and Nantucket is allocated to the Providence, Rhode Island Regional Office.

Boston Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130 (617) 232–9500 ext. 427/420.
Fiscal Officer, Boston Medical Center, 150 South Huntington Avenue, Boston, MA 02130 (617) 232–9500 ext. 427/420.
Bourne National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Brockton, MA 02401 (617) 583–4500 ext. 266.
Fiscal Officer, Brockton Medical Center, Brockton, MA 02401 (617) 583–4500 ext. 266.
Lowell Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130 (617) 232–9500 ext. 427/420.
New Bedford Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, Providence, RI 02908 (401) 273–7100.
Fiscal Officer, Northampton Medical Center, Northampton, MA 01060 (413) 584–4040.
Springfield Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, Northampton, MA 01060 (413) 584–4040.
Springfield VA Office—Send to: Fiscal Officer, VA Regional Office, John Kennedy Bldg., Government Center, Boston, MA 02203 (617) 223–3034.
Fiscal Officer, West Roxbury Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132 (617) 323–7700 ext. 5650.
Worcester Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132 (617) 323–7700 ext. 5650.

Michigan

Fiscal Officer, Allen Park Medical Center, Allen Park, MI 48101 (313) 562–6000 ext. 535.
Fiscal Officer, Ann Arbor Medical Center, 2215 Fuller Road, Ann Arbor, MI 48105 (313) 769–7100 ext. 288/289.
Fiscal Officer, Battle Creek Medical Center, Battle Creek, MI 49016 (616) 965–3281 ext. 566.
Grand Rapids Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 2215 Fuller Road, Ann Arbor, MI 48105 (313) 769–7100 ext. 288/289.
Fiscal Officer, Detroit Regional Office, 477 Michigan Avenue, Detroit, MI 48226 (313) 226–4190.
Fiscal Officer, Iron Mountain Medical Center, Iron Mountain, MI 49801, (906) 774–3300 ext. 301.
Fiscal Officer, Saginaw Medical Center, 1500 Weiss Street, Saginaw, MI 48602, (517) 793–2340 ext. 270.

Minnesota

Fiscal Officer, Minneapolis Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417, (612) 725–6767 ext. 6311.
Fiscal Officer, St. Cloud Medical Center, St. Cloud, MN 56301, (612) 252–1600 ext. 411.
Fiscal Officer, St. Paul Center (Regional Office), Federal Bldg., Ft. Snelling, St. Paul, MN 55111, (612) 725–4075; Jurisdiction over the counties of Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Trail, Pennington, Polk, Red Lake, Roseau and Wilkin is allocated to the Fargo, North Dakota Center.
St. Paul National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417, (612) 725–6767 ext. 6311.
St. Paul Data Processing Center—Send to: Fiscal Officer, VA Center, Federal Bldg., Ft. Snelling, St. Paul, MN 55111, (612) 725–4075.
St. Paul Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417, (612) 725–6767 ext. 6311.

Mississippi

Biloxi National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Biloxi, MS 39531, (601) 863–1972 ext. 225.
Fiscal Officer, Biloxi Medical Center, Biloxi, MS 39531, (601) 863–1972 ext. 225.
Corinth National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523–8990.
Fiscal Officer, Gulfport Medical Center, Gulfport, MS 39601, (601) 863–1972 ext. 225.
Fiscal Officer, Jackson Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216, (601) 362–4471 ext. 1471.
Jackson Regional Office—Send to: VA Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216, (601) 362–4471 ext. 1471.

Process for VA service-connected benefits should also be sent to the Jackson Medical Center, rather than to the Jackson Regional Office.

Natchez National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216, (601) 362–4471 ext. 1471.

Missouri

Fiscal Officer, Columbia Medical Center, 800 Stadium Road, Columbia, MO 65201, (314) 443–2511.
Jefferson City National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 800 Stadium Road, Columbia, MO 65201, (314) 443–2511.
Fiscal Officer, Kansas City Medical Center, 4801 Linwood Blvd., Kansas City, MO 64128, (816) 861–4700.
Fiscal Officer, Poplar Bluff Medical Center, Poplar Bluff, MO 63901, (314) 686–4151.
St. Louis National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125 (314) 894–4631.
Fiscal Officer, St. Louis Regional Office, 1520 Market Street, St. Louis, MO 63103 (314) 435–5112.
St. Louis Veterans Canteen Service Field Office—Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125 (314) 894–4631.
Fiscal Officer, St. Louis Medical Center, St. Louis, MO 63125 (314) 894–4631.
St. Louis Records Processing Center—Send to: Fiscal Officer, VA Regional Office, 1520 Market Street, St. Louis, MO 63103 (314) 425–5112.
Springfield National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701 (501) 443–4301.

Montana

Fiscal Officer, Fort Harrison Medical & Regional Office Center, Fort Harrison, MT 59636 (406) 442–6410 ext. 329/326.
Fiscal Officer, Miles City Medical Center, Miles City, MT 59301 (406) 232–3060.

Nebraska

Fiscal Officer, Grand Island Medical Center, Grand Island, NE 68801 (308) 382–3660 ext 244.
Fiscal Officer, Lincoln Regional Office, 100 Centennial Mall North, Lincoln, NE 68508 (402) 471–5041.
Fiscal Officer, Lincoln Medical Center, 600 South 70th Street, Lincoln, NE 68510 (402) 489–3802 ext. 332.
Maxwell National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Grand Island, NE 68801 (308) 382–3660 ext. 244.
Fiscal Officer, Omaha Medical Center, 4101 Woolworth Avenue, Omaha, NE 68105 (402) 346–8800.

Nevada

Las Vegas Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520 (702) 786–7200 ext. 244.
Fiscal Officer, Reno Regional Office, 1201 Terminal Way, Reno, NV 89520 (702) 784–5637; Jurisdiction over the following counties in California: Alpine, Lassen, Modoc and Mono.
Fiscal Officer, Reno Medical Center, 1000 Locust Street, Reno, Nevada 89520 (702) 786–7200 ext. 244.
Henderson Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520 (702) 786–7200 ext. 244.

New Hampshire

Fiscal Officer, Manchester Regional Office, 275 Chestnut Street, Manchester, NH 03103 (603) 666–7638.
Fiscal Officer, Manchester Medical Center, 718 Smyth Road, Manchester, NH 03104 (603) 624–4366.

New Jersey

Beverly National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104 (215) 382–2400 ext. 291/292.
Fiscal Officer, East Orange Medical Center, Tremont Avenue & So. Center St., East Orange, NJ 07019 (201) 676–1000 ext. 525.
Fiscal Officer, Lyons Medical Center, Lyons, NJ 07939 (201) 647–0180 ext. 372.
Newark Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, Tremont Avenue & So. Center St., East Orange, NJ 07019 (201) 676–1000 ext. 525.

Fiscal Officer, Newark Regional Office, 20 Washington Place, Newark, NJ 07102 (201) 645–3508.
Salem National Cemetery Area Office—Send to: Fiscal Officer, VA Center, 1601 Kirkwood Highway, Wilmington, DE 19805 (302) 994–2511.
Fiscal Officer, Somerville Supply Depot, Somerville, NJ 08876 (201) 725–2540.

New Mexico

Fiscal Officer, Albuquerque Regional Office, 500 Gold Avenue, SW, Albuquerque, NM 87102 (505) 766–2204.
Fiscal Officer, Albuquerque Medical Center, 2100 Ridgecrest Drive, SE, Albuquerque, NM 87108 (505) 265–1711.
Ft. Bayard National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 2100 Ridgecrest Drive, SE, Albuquerque, NM 87108 (505) 265–1711.
Santa Fe National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 2100 Ridgecrest Drive, SE, Albuquerque, NM 87108 (505) 265–1711.

New York

Fiscal Officer, Albany Medical Center, Albany, NY 12208 (518) 462–3311 ext. 355.
Albany VA Office—Send to: Fiscal Officer, VA Regional Office, 252 Seventh Avenue, New York, NY 10001 (212) 620–6293.
Fiscal Officer, Batavia Medical Center, Batavia, NY 14020 (716) 343–7500 ext. 215.
Fiscal Officer, Bath Medical Center, Bath, NY 14810 (607) 776–2111.
Bath National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Bath, NY 14810 (607) 776–2111.
Fiscal Officer, Bronx Medical Center, 130 West Kingsbridge Road, Bronx, NY 10468 (212) 584–9000.
Fiscal Officer, Brooklyn Medical Center, 800 Poly Place, Brooklyn, NY 11209 (212) 836–6600.
Brooklyn National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209 (212) 836–6600.
Brooklyn Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209 (212) 836–6600.
Fiscal Officer, Buffalo Regional Office, 111 West Huron Street, Buffalo, NY 14202 (716) 846–5251; Jurisdiction over all counties in New York not listed under the New York Regional Office.
Fiscal Officer, Buffalo Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215 (716) 834–9200.
Calverton National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Northport, NY 11768 (516) 261–4400 ext. 2462/2463.
Fiscal Officer, Canandaigua Medical Center, Canandaigua, NY 14424 (716) 394–2000 ext. 336.
Fiscal Officer, Castle Point Medical Center, Castle Point, NY 12511 (914) 831–2000 ext. 322.
Elmira National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Bath, NY 14810 (607) 776–2111.
Farmingdale National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Northport, NY 11768 (516) 261–4400 ext. 2462/2463.
Fiscal Officer, Montrose Medical Center, Montrose, NY 10548 (914) 737–4400 ext. 463.
Fiscal Officer, New York Regional Office, 252 Seventh Avenue at 24th Street, New York, NY 10001 (212) 620–6293; Jurisdiction over the following counties in New York: Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington and Westchester.
New York Prosthetics Center—Send to: Fiscal Officer, VA Regional Office, 252 Seventh Avenue, New York, NY 10001 (212) 620–6293.
New York Veterans Canteen Service Field Office—Send to: Fiscal Officer, VA Medical Center, First Avenue at East 24th Street, New York, NY 10010 (212) 686–7500.
Fiscal Officer, New York Medical Center, First Avenue at East 24th Street, New York, NY 10010 (212) 686–7500.
New York Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, First Avenue at East 24th Street, New York, NY 10010 (212) 686–7500.
Fiscal Officer, Northport Medical Center, Northport, NY 11768 (516) 261–4400 ext. 2462/2463.
Rochester VA Office—Send to: Fiscal Officer, VA Regional Office, 111 West Huron Street, Buffalo, NY 14202 (716) 846–5251.
Rochester Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, Batavia, NY 14020 (716) 343–7500 ext. 215.
Fiscal Officer, Syracuse Medical Center, Irving Avenue & University Place, Syracuse, NY 13210 (315) 476–7461.
Syracuse VA Office—Send to: Fiscal Officer, VA Regional Office, 111 West Huron Street, Buffalo, NY 14202 (716) 846–5251.

North Carolina

Fiscal Officer, Asheville Medical Center, Asheville, NC 28805, (704) 298–7911 ext. 374.
Fiscal Officer, Durham Medical Center, 508 Fulton Street, Durham, NC 27705, (919) 286–0411 ext. 6469.
Fiscal Officer, Fayetteville Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 488–2120.
New Bern National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 488–2120.
Raleigh National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 508 Fulton Street, Durham, NC 27705, (919) 286–0411 ext. 6469.
Fiscal Officer, Salisbury Medical Center, Salisbury, NC 28144, (704) 636–2351.
Salisbury National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Salisbury, NC 28144, (704) 636–2351.
Wilmington National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 2300 Ramsey Street, Wilmington, NC 28301, (919) 488–2120.
Fiscal Officer, Winston-Salem Regional Office, 251 North Main Street, Winston-Salem, NC 27102, (919) 761–3513.
Winston-Salem Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, Salisbury, NC 28144, (704) 636–2351.

North Dakota

Fiscal Officer, Fargo Medical and Regional Office Center, 21st & Elm, Fargo, ND 58102, (701) 232–3241 ext. 249; See the listing under the St. Paul, Minnesota Center for the names of the counties in Minnesota which come under the jurisdiction of the Fargo, North Dakota Center.

Ohio

Fiscal Officer, Chillicothe Medical Center, 17273 State Route 104, Chillicothe, OH 45601, (614) 773–1141 ext. 203.
Fiscal Officer, Cincinnati Medical Center, 3200 Vine Street, Cincinnati, OH 45220, (513) 559–5040 ext. 4113.
Cincinnati VA Office—Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522–3540.
Fiscal Officer, Cleveland Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522–3540.
Fiscal Officer, Cleveland Medical Center, 10701 East Boulevard, Cleveland, OH 44106, (216) 526–3030 ext. 531.
Fiscal Officer, Columbus Outpatient Clinic, 456 Clinic Drive, Columbus, OH 43210, (614) 469–6712.
Columbus VA Office—Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522–3540.
Fiscal Officer, Dayton Medical Center, Dayton, OH 45428, (513) 268–6511 ext. 356.
Dayton National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Dayton, OH 45428, (513) 268–6511 ext. 356.

Oklahoma

Fort Gibson National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401 (918) 683–3261 ext. 392.
Fiscal Officer, Muskogee Regional Office, 125 South Main Street, Muskogee, OK 74401 (918) 687–2520.
Fiscal Officer, Muskogee Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401 (918) 683–3261 ext. 392.
Fiscal Officer, Oklahoma City Medical Center, 921 Northeast 13th Street, Oklahoma City, OK 73104 (405) 272–9876 ext. 500.
Oklahoma City VA Office—Send to: Fiscal Officer, VA Regional Office, 125 South Main Street, Muskogee, OK 74401 (918) 687–2520.

Oregon

Portland National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital

Road, Portland, OR 97201 (503) 222–9221 ext. 377.
Fiscal Officer, Portland Regional Office, 1220 SW 3rd Avenue, Portland, OR 97204 (503) 221–3040.
Fiscal Officer, Portland Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201 (503) 222–9221 ext. 377.
Portland Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201 (503) 222–9221 ext. 377.
Fiscal Officer, Roseburg Medical Center, Roseburg, OR 97470 (503) 672–4411.
Roseburg National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Roseburg, OR 97470 (503) 672–4411.
Fiscal Officer, White City Domiciliary, White City, OR 97501 (503) 826–2111 ext. 241.
White City National Cemetery Area Office—Send to: Fiscal Officer, VA Domiciliary, White City, OR 97501 (503) 826–2111 ext. 241.

Pennsylvania

Fiscal Officer, Altoona Medical Center, Altoona, PA 16603 (814) 943–8164.
Annville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Lebanon, PA 17042 (717) 272–6621 ext. 229.
Fiscal Officer, Butler Medical Center, Butler, PA 16001 (412) 287–4781.
Fiscal Officer, Coatesville Medical Center, Coatesville, PA 19320 (215) 384–7711 ext. 342.
Fiscal Officer, Erie Medical Center, 135 East 38th Street, Erie, PA 16501 (814) 868–8661.
Harrisburg Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, Lebanon, PA 17042 (717) 272–6621 ext. 229.
Fiscal Officer, Lebanon Medical Center, Lebanon, PA 17042 (717) 272–6621 ext. 229.
Fiscal Officer, Philadelphia Center (Regional Office), P.O. Box 8079, Philadelphia, PA 19101 (215) 951–5321; Jurisdiction over the following counties in Pennsylvania: Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susqehanna, Tioga, Union, Wayne, Wyoming, and York.
Philadelphia Data Processing Center—Send to: Fiscal Officer, VA Center, P.O. Box 8079, Philadelphia, PA 19101 (215) 951–5321.
Philadelphia National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104 (215) 382–2400 ext. 291/292.
Philadelphia Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104 (215) 382–2400 ext. 291/292.
Fiscal Officer, Philadelphia Medical Center, University & Woodland Avenues, Philadelphia, PA 19104 (215) 382–2400 ext. 291/292.
Fiscal Officer, Pittsburgh Regional Office, 1000 Liberty Avenue, Pittsburgh, PA 15222 (412) 644–6640; Jurisdiction over all of the countries in Pennsylvania that are not listed under the Philadelphia Center (Regional Office) and jurisdiction over the following counties in West Virginia: Brooke, Hancock, Marshall and Ohio.
Fiscal Officer, Pittsburgh Medical Center, Highland Drive, Pittsburgh, PA 15206 (412) 363–4900 ext. 235.
Fiscal Officer, Pittsburgh Medical Center, University Drive C, Pittsburgh, PA 15240 (412) 683–3000 ext. 652/675.
Pittsburgh Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, University Drive C, Pittsburgh, PA 15240 (412) 683–3000 ext. 652/675.
Fiscal Officer, Wilkes-Barre Medical Center, 1111 East End Blvd., Wilkes-Barre, PA 18711 (717) 824–3521 ext. 247.

Philippines

1. Manila Regional Office—Outpatient Clinic.
2. Manila Medical and Regional Office Center.

For either of the above, send to: Director, U.S. Veterans Administration, APO, San Francisco 96528, 59–80–11 Local 2574.

Puerto Rico

Bayamon National Cemetery Area Office—Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936 (809) 763–0275.
Hato Rey Medical and Regional Office Center—Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936 (809) 763–0275.
Mayaguez Outpatient Clinic Substation—Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936 (809) 763–0275.
Ponce Outpatient Clinic Substation—Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936 (809) 763–0275.
Rio Piedras Medical and Regional Office Center—Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936 (809) 763–0275.

Rhode Island

Fiscal Officer, Providence Regional Office, 321 South Main Street, Providence, RI 02903 (401) 528–4480; Jurisdiction over the following towns and counties in Massachusetts: All towns in Bristol County except Mansfield and Easton, the towns of Lakeville, Middleboro, Carver, Rochester, Mattapoisett, Marion, and Wareham in Plymouth County; and the counties of Dukes, Nantucket and Barnstable.
Fiscal Officer, Providence Medical Center, Davis Park, Providence, RI 02908 (401) 273–7100.

South Carolina

Beaufort National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 109 Bee Street, Charleston, SC 29403 (803) 577–5011 ext. 222.
Fiscal Officer, Charleston Medical Center, 109 Bee Street, Charleston, SC 29403 (803) 577–5011 ext. 222.
Fiscal Officer, Columbia Regional Office, 1801 Assembly Street, Columbia, SC 29201 (803) 765–5210.
Fiscal Officer, Columbia Medical Center, Columbia, SC 29201 (803) 776–4000 ext. 149.
Florence National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201 (803) 776–4000 ext. 149.
Greenville Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, Columbia SC 29201 (803) 776–4000 ext. 149.

South Dakota

Fort Meade National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741 (605) 347–2511 ext. 272.
Fort Meade Medical Center—Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741 (605) 347–2511 ext. 272.
Hot Springs National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Hot Springs, SD 57747 (605) 745–4101 ext. 246.
Fiscal Officer, Hot Springs Medical Center, Hot Springs, SD 57747 (605) 745–4101 ext. 246.
Fiscal Officer, Sioux Falls Medical Center, 2501 West 22nd St., Sioux Falls, SD 57101 (605) 336–3230 ext. 201.
Sioux Falls Regional Office—Send to: VA Medical Center, 2501 West 22nd St., Sioux Falls, SD 57101 (605) 336–3230 ext. 201; Process for VA service-connected benefits should also be sent to the Sioux Falls Medical Center, rather than to the Sioux Falls Regional Office.
Sturgis National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741 (605) 347–2511 ext. 272.

Tennessee

Chattanooga Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 1310 24th Avenue, South, Nashville, TN 37203 (615) 327–4651 ext. 553.
Chattanooga National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Murfreesboro, TN 37130 (615) 893–1360 ext. 346.
Knoxville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684 (615) 926–1171.
Knoxville Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 1310 24th Avenue, South, Knoxville, TN 37203 (615) 327–4651 ext. 553.
Madison National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Nashville, TN 37203 (615) 327–4751 ext. 553.
Fiscal Officer, Memphis Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104 (901) 523–8990.
Memphis National Cemetery Area Office—Send to: Fiscal Officer, VA Medical

Center, 1030 Jefferson Avenue, Memphis, TN 38104 (901) 523–8990.
Fiscal Officer, Mountain Home Medical Center, Mountain Home, TN 37684 (615) 926–1171.
Mountain Home National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684 (615) 926–1171.
Fiscal Officer, Murfreesboro Medical Center, Murfreesboro, TN 37130 (615) 893–1360 ext. 346.
Fiscal Officer, Nashville Regional Office, 110 Ninth Avenue, South, Nashville, TN 37203 (615) 251–5352.
Fiscal Officer, Medical Center, 1310 24th Avenue, South, Nashville, TN 37203 (615) 327–4751 ext. 553.

Texas

Fiscal Officer, Amarillo Medical Center, 6010 Amarillo Blvd., W., Amarillo, TX 79106 (806) 355–9703 ext. 216.
Fiscal Officer, Austin Data Processing Center, 1615 East Woodward Street, Austin, TX 78772 (512) 397–7366.
Beaumont Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211 (713) 795–4411.
Fiscal Officer, Big Spring Medical Center, Big Spring, TX 79720 (915) 263–7361 ext. 327.
Fiscal Officer, Bonham Medical Center, Bonham, TX 75418 (214) 583–2111.
Corpus Christi Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284 (512) 696–9660 ext. 6301.
Fiscal Officer, Dallas Medical Center, 4500 South Lancaster Rd., Dallas, TX 75216 (214) 376–5451.
Dallas VA Office—Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710 (817) 756–6511 ext. 635.
Fiscal Officer, El Paso Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925 (915) 543–7960/7961.
Fort Bliss National Cemetery Area Office—Send to: Fiscal Officer, VA Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925 (915) 543–7960/7961.
Fiscal Officer, Houston Regional Office, 2515 Murworth Drive, Houston, TX 77054 (713) 226–4185; Jurisdiction over the country of Mexico and the following counties in Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, DeWitt, Dimmitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Marverick, Medina, Menard, Montgomery, Necogdoches, Newton, Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Ulvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata and Zavala.
Fiscal Officer, Houston Medical Center, 2002 Holcombe Blvd., Houston, TX 77211 (713) 795–4411.
Houston National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211 (713) 795–4411.
Fiscal Officer, Kerrville Medical Center, Kerrville, TX 78028 (512) 896–2020 ext. 215.
Kerrville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Kerrville, TX 78028 (512) 896–2020 ext. 215.
Lubbock VA Office—Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710 (817) 756–6511 ext. 635.
Fiscal Officer, Lubbock Outpatient Clinic, 1205 Texas Avenue, Lubbock, Tx 79401 (806) 762–7209.
Fiscal Officer, Marlin Medical Center, Marlin, TX 76661 (817) 883–3511 ext. 224.
McAllen Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284 (512) 696–9660 ext. 6301.
Fiscal Officer, San Antonio Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284 (512) 696–9660 ext. 6301.
San Antonio VA Office—Send to: Fiscal Officer, VA Regional Office, 2515 Murworth Drive, Houston, TX 77054 (713) 226–4185.
San Antonio National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284 (512) 696–9660 ext. 6301.
San Antonio National Cemetery Area Office (Fort Sam Houston)—Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284 (512) 696–9660 ext. 6301.
Fiscal Officer, Temple Medical Center, Temple, TX 76501 (817) 778–4811.
Fiscal Officer, Waco Regional Office, 1400 North Valley Mills Drive, Waco, TX 76710 (817) 756–6511 ext. 635; Jurisdiction over all counties in Texas not listed under the Houston Regional Office.
Fiscal Officer, Waco Medical Center, Memorial Drive, Waco, TX 76703, (817) 752–6581.
Waco Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, Memorial Drive, Waco, TX 76703, (817) 752–6581.

Utah

Fiscal Officer, Salt Lake City Regional Office, 125 South State Street, Salt Lake City, Utah 84138, (801) 525–5945.
Fiscal Officer, Salt Lake City Medical Center, 500 Foothill Blvd., Salt Lake City, Utah 84148, (801) 582–1565/1520.

Vermont

Fiscal Officer, White River Junction Medical and Regional Office Center, White River Junction, Vermont 05001, (802) 295–9363.

Virginia

Alexandria National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW, Washington, D.C. 20422, (202) 389–7593.
Culpepper National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401, (304) 263–0811 ext. 280.
Danville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Salem, VA 24153, (703) 982–2463.
Hopewell National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 231–9011 ext. 205.
Leesburg National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW, Washington, D.C. 20422, (202) 389–7593.
Mechanicsville National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 231–9011 ext. 205.
Fiscal Officer, Hampton Medical Center, Hampton, VA 23667, (804) 722–9961.
Hampton National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Hampton, VA 23667, (804) 722–9961.
Quantico National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW, Washington, D.C. 20422, (202) 389–7593.
Fiscal Officer, Richmond Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 231–9011 ext. 205.
Richmond National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 231–9011 ext. 205.
Fiscal Officer, Roanoke Regional Office, 210 Franklin Rd. SW, Roanoke, VA 24011, (703) 982–6116; Jurisdiction over Fairfax and Arlington Counties and the cities of Alexandria, Fairfax, and Falls Church is allocated to the Washington, D.C. Regional Office.
Fiscal Officer, Salem Medical Center, Salem, VA 24153 (703) 982–2463.
Sandston National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249 (804) 231–9011 ext. 205.
Staunton National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Salem, VA 24135 (703) 982–2463.
Winchester National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401 (304) 263–0811 ext. 280.

Washington

Fiscal Officer, American Lake Medical Center, Tacoma, WA 98493 (206) 582–8440 ext. 303.
Fiscal Officer, Seattle Regional Office, 915 Second Avenue, Seattle, WA 98174 (206) 442–5025.
Fiscal Officer, Seattle Medical Center, 4435 Beacon Avenue, South, Seattle, WA 98108 (206) 762–1016 ext. 286.
Seattle Outpatient Clinic—Send to: Fiscal Officer, VA Medical Center, 4435 Beacon Avenue, South, Seattle, WA 98108 (206) 762–1016 ext. 286.

Fiscal Officer, Spokane Medical Center, North 4815 Assembly Street, Spokane, WA 99208 (509) 328–4521.
Fiscal Officer, Vancouver Medical Center, Vancouver, WA 98661 (206) 696–4061 ext. 331.
Fiscal Officer, Walla Walla Medical Center, 77 Wainwright Drive, Walla Walla, WA 99362 (509) 525–5200.

West Virginia

Fiscal Officer, Beckley Medical Center, 200 Veterans Avenue, Beckley, WV 25801 (304) 255–2121.
Fiscal Officer, Clarksburg Medical Center, Clarksburg, WV 26301 (304) 623–3461 ext. 335.
Grafton National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, Clarksburg, WV 26301 (304) 623–3461 ext. 335.
Fiscal Officer, Huntington Regional Office, 502 Eighth Street, Huntington, WV 25701 (304) 529–5477; Jurisdiction over the counties of Brooke, Hancock, Marshall and Ohio is allocated to the Pittsburgh, Pennsylvania Regional Office.
Fiscal Officer, Huntington Medical Center, 1540 Spring Valley Drive, Huntington, WV 25704 (304) 429–6741 ext. 327.
Fiscal Officer, Martinsburg Medical Center, Martinsburg, WV 25401 (304) 263–0811 ext. 280.
Wheeling Outpatient Clinic Substation—Send to: Fiscal Officer, VA Medical Center, University Drive C, Pittsburgh, PA 15240 (412) 363–4900 ext. 235.

Wisconsin

Fiscal Officer, Madison Medical Center, 2500 Overlook Terrace, Madison, WI 53705 (608) 256–1901 ext. 381.
Fiscal Officer, Milwaukee Regional Office, 342 North Water Street, Milwaukee, WI 53202 (414) 291–1201.
Fiscal Officer, Tomah Medical Center, Tomah, WI 54660 (608) 372–3971 ext. 204.
Fiscal Officer, Wood Medical Center, 5000 West National Avenue, Wood, WI 53193 (414) 384–2000 ext. 2591.
Wood National Cemetery Area Office—Send to: Fiscal Officer, VA Medical Center, 5000 West National Avenue, Wood, WI 53193 (414) 384–2000 ext. 2591.

Wyoming

Fiscal Officer, Cheyenne Medical & Regional Office Center, 2360 East Pershing Blvd., Cheyenne, WY 82001 (307) 778–7550 ext. 351.
Fiscal Officer, Sheridan Medical Center, Sheridan, WY 82801 (307) 672–3473.

III. The United States Postal Service and the Postal Rate Commission

United States Postal Service

Service of process may be made on the postmaster or head of the installation where the employee works. However, if the installation where the employee works cannot be determined, service of process may be made on the appropriate Regional Counsel. The geographic areas served by the Regional Counsels and their addresses are as follows:

Regional Counsel, Northeast Region, U.S. Postal Service, 1633 Broadway, New York, NY 10098 (212) 974–8531; Serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, northern New Jersey (ZIP codes beginning with 070–079 and 088–089), New York (ZIP codes beginning with 090–098 and 100–129), and the Caribbean Islands.
Regional Counsel, Eastern Region, U.S. Postal Service, 1845 Walnut Street, P.O. Box 8601, Philadelphia, PA 19101 (215) 597–9715; Serving: The District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, southern New Jersey (ZIP codes beginning with 080–087) and New York (ZIP codes beginning with 130–149).
Regional Counsel, Southern Region, U.S. Postal Service, 1407 Union Avenue, Memphis, TN 38166 (901) 534–4411; Serving: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.
Regional Counsel, Central Region, U.S. Postal Service, 433 Van Buren Street, Chicago, IL 60699 (212) 886–3175; Serving: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.
Regional Counsel, Western Region, U.S. Postal Service, 850 Cherry Avenue, San Bruno, CA 94099 (415) 876–9225; Serving: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the Pacific Islands including the Trust Territory.

Processing of garnishments will be substantially expedited by serving the postmaster or installation head rather than the Regional Counsel.

Postal Rate Commission

Chief Administrative Officer, Postal Rate Commission, 2000 L Street, NW., Washington, D.C. 20268 (202) 254–3880.

IV. The District of Columbia, American Samoa, Guam, and the Virgin Islands

The District of Columbia

Assistant City Administrator for Financial Management, The District Building, Room 412, 14th and Pennsylvania Avenue, NW., Washington, D.C. 20004 (202) 727–6979.

American Samoa

Director of Administrative Service, American Samoa Government, Pago Pago, American Samoa 96799 (684) 633–4155.

Guam

Attorney General, P.O. Box DA, Agana, Guam 96910, 472–6841 (Country Code 671).

The Virgin Islands

Attorney General, P.O. Box 280, St. Thomas, VI 00801 (809) 774–1163.

V. Instrumentality

SMITHSONIAN INSTITUTION

For service of process in garnishment proceedings for child support and/or alimony of present Smithsonian Institution employees:

General Counsel, The Smithsonian Institution, Room 408, 1000 Jefferson Drive, SW, Washington, D.C. 20560 (202) 381–5866.

For service of process in garnishment proceedings for child support and/or alimony involving retirement annuities of former trust fund employees of the Smithsonian Institution:

General Counsel, Teachers Insurance and Annuity Association of America, College Retirement Equity Fund (TIAA/CREF), 730 Third Avenue, New York, NY 10017 (212) 490–9000.

[FR Doc. 80–21632 Filed 7–21–80; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 921, 922, 923, and 924

Peaches, Apricots, and Sweet Cherries Grown in Designated Counties in Washington; Prunes Grown in Designated Counties in Washington and in Umatilla County, Oreg.; 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 period, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering peaches, apricots, and sweet cherries grown in designated counties in Washington and prunes grown in designated counties in Washington and in Umatilla County, Oregon.

DATES: Effective April 1, 1980, through 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 upon 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 Order Nos. 921, 922, 923, and 924 (7 CFR Parts 921, 922, 923, and 924 respectively), regulating the handling of peaches, apricots, and sweet cherries grown in designated counties in Washington, and prunes grown in designated counties in Washington and in Umatilla County, Oregon. These programs are effective

under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the respective committees, established under these marketing orders, and upon other information. It is found that the respective expenses and rates of assessment, as hereafter 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 until 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 §§ 921.219 (M.O. 921), 922.220 (M.O. 922), 923.220 (M.O. 923), and 924.220 (M.O. 924), are added to read as follows: (§§ 921.219, 922.220, 923.220, and 924.220 expire March 31, 1981, and will not be published in the annual Code of Federal Regulations).

Marketing Order 921

§ 921.219 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the fiscal year April 1, 1980, through March 31, 1981, will amount to $16,940.

(b) The rate of assessment for said year payable by each handler in accordance with § 921.41 is fixed at $1.50 per ton of peaches.

Marketing Order 922

§ 922.220 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during fiscal year April 1, 1980, through March 31, 1981, will amount to $4,466.

(b) The rate of assessment for said year payable by each handler in accordance with § 922.41 is fixed at $2.00 per ton of apricots.

Marketing Order 923

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

(a) Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during fiscal year April 1, 1980, through March 31, 1981, will amount to $47,083.

(b) The rate of assessment for said year payable by each handler in accordance with § 923.41 is fixed at $1.00 per ton of sweet cherries.

(c) Unexpended funds in excess of expenses incurred during the fiscal year ended March 31, 1980, shall be carried over as a reserve in accordance with § 923.42.

Marketing Order 924

§ 924.220 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee during fiscal year April 1, 1980, through March 31, 1981, will amount to $30,361.

(b) The rate of assessment for said year payable by each handler in accordance with § 924.41 is fixed at $1.40 per ton of prunes.

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

Dated: July 17, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-21964 Filed 7-21-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corp.

7 CFR Part 1435

[Amdt. 5]

Price Support Payment Program for 1977 Crop Sugarbeets and Sugarcane

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The price support payment program regulations at 7 CFR Part 1435 are hereby amended to provide that raw cane sugar produced by integrated processor-refiners from the 1977 crop of sugarcane shall be considered as marketed prior to November 8, 1977, and shall be eligible to be claimed for payment in accordance with the method used by the integrated processor-refiners to price the sugar for settlement purposes with producers. The regulations will thus be amended to conform with an administrative action previously taken by the Department of Agriculture to insure the availability of price support for all of the 1977 crop production of domestically grown sugarcane.

EFFECTIVE DATE: July 22, 1980.

FOR FURTHER INFORMATION CONTACT: Laurence E. Ackland, Sugar Branch, (202) 447–5647.

SUPPLEMENTARY INFORMATION: This conforming amendment reflects requirements with respect to the quantity of sugar marketed and program coverage which were taken into account in approved and available impact statements for the rule (42 FR 54556) which announced the 1977 crop price support payment program and for amendments one (42 FR 57948), two (42 FR 64677), and three (43 FR 38686) thereto.

Further, this final rule has not been designated as "significant" and is being published in accordance with the procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Ray V. Fitzgerald, Administrator, Agricultural Stabilization and Conservation Service, that, because this final rule is merely conforming in nature, publication without opportunity for public comment is warranted. Therefore, 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 final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

On October 7, 1977, a final rule was published in the **Federal Register** (42 FR 54556) implementing a program, effective as of September 15, 1977, to support prices in the marketplace for producers of 1977 crop sugarbeets and sugarcane through payments made to sugar processors. Amendments to the rule were published on November 7, 1977 (42 FR 57948); December 28, 1977 (42 FR 64677); August 30, 1978 (43 FR 38686); and May 20, 1980 (45 FR 33597).

The December 28, 1977, amendment to the payment program regulations provided, under certain conditions, that sugar which had been committed for future delivery under contracts which had been entered into prior to the promulgation of the 1977 loan program

regulations on November 8, 1977, would be considered eligible to be claimed as marketed under the payment program. This amendment was necessary because sugar committed for future delivery was, for all practical purposes, unavailable to be placed under loan. Without the amendment, price support to a large portion of the 1977 crop would have been effectively denied. This would have been contrary to the intent of Section 201(f) of the Agricultural Act of 1949, as added by Section 902 of the Food and Agriculture Act of 1977.

A question arose at that time as to how integrated sugarcane processor-refiners should be treated under the December 28, 1977 amendment. Integrated processor-refiners represent a small segment of the sugar industry in Louisiana. As is the case with other processors, they purchase sugarcane from producers. Integrated processor-refiners are only materially different in that they both process cane into raw sugar and then refine the raw sugar. Because of the nature of their business structure, integrated processor-refiners do not have future delivery contracts for raw sugar. However, as a practical matter, such raw sugar is committed to the integrated processor-refiner's refining facility. From the standpoint of availability of committed sugar for price support loans, therefore, integrated processor-refiners were similarly situated with other processors who had committed raw sugar under future delivery contracts.

When this "marketing problem" was brought to the attention of Agricultural Stabilization and Conservation Service (ASCS) officials by the affected sugarcane processors, it was administratively determined (and the integrated processor-refiners were so informed) that the raw sugar should be treated as being marketed when it was committed to the refinery operation. Barring any unforseen occurrences, all raw sugar to be produced by an integrated processor-refiner is for all practical purposes committed for use in, and marketed to, the refinery operation. It is believed that such sugar should be eligible to be claimed for payment in the same manner as the sugar is priced for purposes of settlement with growers.

In an audit report of the 1977 payment program, the Department's Office of the Inspector General (OIG) took exception to the treatment by ASCS of integrated processor-refiners in general. The OIG specifically criticized the failure of ASCS to provide for the treatment of integrated processor-refiners under the regulations since, despite the administrative determination described, the payment program regulations do not in any way define how the concept of "marketing" raw sugar is to be applied to integrated processor-refiners.

Had conditions in the sugar industry with respect to integrated processor-refiners been foreseen, the regulations could have been written in a manner that would have provided them with a opportunity to participate fully in both the payment and loan programs.

It is believed that it would be inequitable and contrary to the intent of Section 201(f) of the 1949 Act as added by Section 902 of the 1977 Act to rescind or modify the administrative interpretation made by ASCS officials during the 1977 crop with respect to integrated processor-refiners. To do so would effectively deny the availability of price support to a portion of the 1977 crop of sugarcane, since it would now be impossible to place sugar formerly treated as eligible for the payment program under the 1977 loan program. It should be noted that all three integrated processor-refiners in Louisiana have already reported sugar as marketed in accordance with the administrative determination of ASCS. In the case of two processors, raw sugar was priced as it was processed for producer settlement purposes. One processor priced raw sugar for settlement purposes over an extended period of time.

Therefore, in accordance with an opinion of the Comptroller General of the United States (Opinion B–118622, dated August 31, 1979), concerning retroactively amending the 1977 payment regulations to incorporate an ASCS administrative interpretation with respect to the marketing of refined beet sugar, it is determined necessary to also amend the 1977 payment regulations to incorporate the Department's administrative treatment of integrated processor-refiners.

Accordingly, in view of the fact that the original regulations did not accurately reflect conditions in the sugar industry with respect to integrated sugarcane processor-refiners, and in view of the fact that those processors relied in good faith upon the interpretations and advise of ASCS officials, the regulations are hereby amended to conform with the intent and effect of the ASCS administrative interpretation previously described. This amendment is merely a conforming amendment incorporating the administrative decision of the Department used in making payments made under the program.

Final Rule

In consideration of the foregoing, 7 CFR Part 1435 is amended as follows:

1. Section 1435.3(d) is amended by adding the following proviso:

§ 1435.3 Definitions.

* * * * *

(d) "Quantity of sugar marketed" * * * sugar; *Provided further,* in the case of sugarcane processors (other than cooperatives) who also refine their raw sugar production into refined sugar, the quantity of cane sugar, raw value, processed from the 1977 crop and which is committed to the refining facility of such processor shall be considered as being marketed during the marketing period.

* * * * *

2. Section 1435.6 is amended by adding a sentence at the end of paragraph (f) to read as follows:

§ 1435.6 Eligibility for payment.

* * * * *

(f) * * * For sugarcane processors (other than cooperatives) who are also refiners and who process their raw sugar production into refined sugar, the quantity applicable to each report shall be the quantity priced by such processors for purposes of settlement with their producers during the reporting period reported.

* * * * *

(Secs. 301–303 and 401 et seq. of the Agricultural Act of 1949, as amended (7 U.S.C. 1447 et seq., 1421 et seq.))

Signed at Washington, D.C., on July 17, 1980.

Bob Bergland,

Secretary.

[FR Doc. 80–21971 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Requirements for Extension of Stay for Iranian Nonimmigrant Students

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of the Immigration and Naturalization Service is made in order to further clarify the conditions under which an Iranian national nonimmigrant student may obtain an extension of nonimmigrant stay.

EFFECTIVE DATE: June 10, 1980.

FOR FURTHER INFORMATION CONTACT: For general information: Stanley J. Kieszkiel, Acting Instructions Officer,

Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536. Telephone: (202) 633–3048.

For specific information: David Dixon, Special Assistant, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536. Telephone: (202) 633–1900.

SUPPLEMENTARY INFORMATION: On July 2, 1980, 8 CFR 214.1(c) was amended to provide, among those circumstances under which an Iranian national nonimmigrant may obtain an extension of stay in the United States, that an Iranian nonimmigrant "F" or "J" student may obtain an extension of stay if it is sought in order to complete a current course of study or to begin graduate study. Further clarification is required in the case of those Iranian nonimmigrant students beginning a new course of study.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rulemaking and delayed effective date are inapplicable inasmuch as the amendment confers a benefit and is a clarification. Moreover, it is issued in the course of and in response to the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

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

PART 214—NONIMMIGRANT CLASSES

The third sentence of 8 CFR 214.1(c) is amended as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

* * * * *

(c) *Extension of stay.* * * * A nonimmigrant alien who is an Iranian national is ineligible for extension of stay unless he fulfills at least one of the following conditions: (1) He is in immediate need of urgent medical treatment which is available only in the United States; (2) he has a relationship to a United States citizen or lawful permanent resident within the categories specified in section 201(b) or section 203(a) (1), (2), (4), or (5) of the Act; (3) the Department of State has stated that an extension of stay is in the national interest; or (4) in the case of a "J" or "F" nonimmigrant student, an extension of stay is sought in order to complete a current course of study, or to begin high school, college, or graduate studies if he had already been accepted by the appropriate institution on or before June 9, 1980.

* * * * *

(Sec. 103, 214 (8 U.S.C. 1103, 1184))

Effective date: This amendment became effective on June 10, 1980.

Dated: July 17, 1980.

David Crosland,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 80-21973 Filed 7-21-80; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[ER 1188; Amdt. No. 39; Docket No. 34015]

Elimination of Certain Reporting Requirements and Changes in Monthly Financial Reporting for All Certificated Carriers; Amendment of Statistical Reporting Requirements for Small Carriers and New Entrants

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This action reduces reporting requirements for all certificated air carriers by eliminating ten report schedules and certain other filing requirements from the CAB's largest financial and statistical reporting system. In addition, the amount of data contained in monthly financial reports is being decreased, and a new report schedule is being established to obtain market data from small carriers and new entrants.

DATES: Adopted: July 17, 1980. Effective: October 1, 1980, except for Section 21(g) and Section 21(h) which will become effective January 1, 1981.

Because this rule involves data filing requirements, GAO review is required. The Board will publish a notice of GAO's decision.

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

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking issued December 20, 1979, the Board proposed a number of significant changes to its largest financial and statistical reporting system, the *Uniform System of Accounts and Reports for Certificated Air Carriers* (14 CFR Part 241).[1]

The proposed changes involved three matters. First, it was proposed to reduce air carrier reporting by eliminating ten report schedules from the CAB Form 41 Report and restricting two other schedules to subsidized carriers only and by eliminating requirements to file certain statements that describe accounting and reporting procedures used in preparing reports filed with the Board. Second, a new statistical schedule was proposed for the purpose of obtaining market data from small carriers and new entrants. Third, in response to a petition filed by the Air Transport Association, comments were solicited on whether or not the Board should continue to receive monthly financial information and, if so, what form the reporting should take.

Individual comments were received from eight airlines,[2] the Air Transport Association of America (ATA) on behalf of eighteen carriers,[3] the Commuter Airline Association of America on behalf of representatives of eight carriers,[4] Aviation Daily (an industry newsletter), and the Department of Defense.

Elimination of Report Schedules and Accounting Plans

In rulemaking notice EDR–393, the Board proposed to eliminate ten schedules from the CAB Form 41 Report that were no longer essential for regulatory purposes and proposed to relieve all unsubsidized carriers from filing two other schedules.

The ten schedules proposed for elimination were:

Schedule Number and Title

A–1—Status of Accounting Plans Required to be Filed
B–2—General Notes to Financial Statements
B–4—Allowance for Uncollectible Accounts
B–11—Aging of Receivables and Payables
B–14—Summary of Property Obtained Under Long-term Leases
B–44—Transactions Between Air Carrier Affiliates—Annual Summary
P–9.2—Distribution of Ground Servicing Expenses by Geographic Location—Group II and Group III Route Air Carriers
G–42—Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors
G–43—Compensation and Expenses of Persons and Firms (Other than Directors,

[1] EDR–393, 44 FR 77189, December 31, 1979.

[2] Air Wisconsin, Inc.; American Airlines, Inc.; Delta Air Lines, Inc.; The Flying Tiger Line, Inc.; Hughes Air Corporation, d/b/a/ Hughes Airwest; Midway Airlines, Inc.; Trans World Airlines, Inc.; and United Air Lines, Inc.

[3] American Airlines, Inc.; Alaska Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Frontier Airlines, Inc.; Hawaiian Airlines, Inc.; Hughes Air Corporation, d/b/a/ Hughes Airwest; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pacific Southwest Airlines, Inc.; Pan American World Airways; Republic Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; US Air, Inc.; Western Air Lines, Inc. (Five of these carriers also filed individual comments).

[4] Altair Airlines, Inc.; Air Wisconsin, Inc.; Imperial Airlines, Inc.; Mississippi Valley Airlines, Inc.; Provincetown-Boston; Naples Airways; Rio Airways, Inc.; and Royal Hawaiian Air Service.

Officers and Employees) Earning $20,000 or More During the Calendar Year
G–44—Corporate and Securities Data

The two schedules that would apply to subsidized carriers only are Schedule B–5, "Property and Equipment" and Schedule P–5(a), "Components of Flight Equipment Depreciation."

Among air carrier respondents support for the proposed eliminations was unanimous. But the Department of Defense (DOD) objected to the elimination of Schedule P–9.2 and the limited applicability of Schedule B–5. In addition, Aviation Daily objected to the elimination of Schedules G–42 and G–43.

DOD indicated that Schedule P–9.2 and Schedule B–5 are needed in the formulation of Military Airlift Command rates. More specifically, Schedule P–9.2 is used in the allocation of costs to MAC operations of military flights transiting commerical stations; and Schedule B–5 is necessary to an overall picture of acquisition costs plus capitalized additions and deletions of flight and ground property and equipment.

This situation is similar to one that existed shortly after the Board adopted ER–1134 on July 19, 1979. In ER–1134, the Board terminated its role in setting MAC rates and that action made reporting under Part 243 of the Economic Regulations (14 CFR Part 243) unnecessary for any Board purpose. Reporting was suspended and shortly after, the Board's staff found that MAC Headquarters arranged to receive the data it needed directly from the air carriers.

We are, therefore, unwilling to keep these schedules solely for determinations of MAC rates, especially when the Board is no longer directly involved and DOD has demonstrated its ability to obtain the data it needs directly from the carriers.

In view of its limited purpose, DOD's collection of information only from carriers with MAC operations is preferable to a general purpose requirement imposed in the CAB Form 41 Report. Moreover, while Schedule P–9.2 is being eliminated and Schedule B–5 is being limited to subsidized carriers, a great deal of property and equipment data will remain in the CAB Form 41 Report on Schedules B–1, "Balance Sheet," Schedule B–7, "Airframes and Aircraft Engines Acquired," Schedule B–8, "Property and Equipment Retired" and Schedule B–43, "Inventory of Airframes and Aircraft Engines." We do not believe this qualifies as a case where DOD would be left entirely without data, even though we acknowledge that the remaining data may not be ideally suited to DOD's needs.

Aviation Daily objected to the elimination of Schedule G–42, "Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors," and Schedule G–43, "Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Earning $20,000 or More During the Calendar Year." Aviation Daily stated that Schedules G–42 and G–43 provide the data base for what has become the most widely read of the more than 700 charts they publish each year. According to Aviation Daily, readership surveys and informal contacts indicate that these schedules yield invaluable information for numerous decisions made by industry, the financial community and various other governmental agencies.

The continued collection of Schedules G–42 and G–43 cannot be supported by any regulatory need here at the Board. We do not dispute Aviation Daily's contention that data contained on these schedules are of interest to subscribers. But we cannot automatically share the conclusion that where such expressions of interest are made, they are rooted in a pressing need for data for decision-making purposes. We believe that if there really was a pressing regulatory need, the air carriers would have expressed some interest in retaining Schedules G–42 and G–43. Instead, they were virtually unanimous in supporting the elimination of all of the schedules the Board suggested for elimination.

The Board had decided to eliminate Schedules G–42 and G–43 because there is no need for them, the carriers expressed no interest in retaining them and because much of the information, as Aviation Daily acknowledges, is available in filings with the Securities and Exchange Commission on SEC Form 10–K and in Proxy Statements.

No objections were received to the elimination of the six Accounting Plans that were proposed for elimination in EDR–393.

Monthly Financial Statements

Current regulations require route air carriers to report certain financial information with the Board each month. Large route air carriers file balance sheets and income statements with the Board each month while medium-sized and smaller carriers are filing only balance sheets. The financial statements are not publicly released by the Board until (1) the more complete quarterly financial reports are due, (2) the quarterly reports are filed, or (3) the results are publicly released by the carriers, whichever first occurs.

Before EDR–393 was issued, ATA petitioned the Board for rulemaking to eliminate monthly financial reporting requirements on the basis that they served no regulatory purpose. ATA pointed out that continued collection of data that serve no useful purpose was inconsistent with national policy to eliminate unnecessary reporting. Finally, ATA expressed concern over the premature release of financial results because of a vulnerability to requests for information under the Freedom of Information Act (FOIA).

In EDR–33, the Board stated that monthly financial results were necessary to keep abreast of new developments and to monitor the changes that are taking place in the air transport industry. The Board was not persuaded to discontinue monthly financial reporting because of the vulnerability of these reports to FOIA requests and that it would be guided instead by a comparison of its needs with the burdens that the reporting imposes. Within this framework, the Board solicited comments on the burdens associated with monthly reporting at three different levels of detail. The first involved filing a balance sheet and income statement, the second involved filing an income statement only and the third involved reporting of six key data elements. In addition, the Board solicited comments on shorter filing times and eliminating confidential treatment of monthly financial reports.

From the comments that were received, it is apparent that the carriers are opposed to filing monthly balance sheets and income statements with the Board. This opposition emanates from the degree of risk associated with misinterpreting results of operations that are so quickly prepared and cover so limited a period. The carriers would prefer to keep monthly financial results confidential and limit circulation to internal management personnel who have a "need-to-know" until more complete quarterly results can be compiled.

Several of the carriers contrasted the time and effort expended on monthly reports with the time and effort expended on quarterly reports and indicated that the burden associated with creating the same degree of reliability for monthly reports would be unreasonable and unjustifiable.

ATA, Delta, Hughes Airwest and United stated that if the Board collects any financial data on a monthly basis, it should be limited to the six key income and expense items presented in EDR–393 as the third alternative. The carriers

were very much opposed to the first and second alternatives which involved filing a balance sheet and income statement or an income statement only.

For the reasons stated in EDR-393, the Board has decided that it should continue to receive some financial data on the results of carrier operations from all carriers on a monthly basis to keep abreast of new developments and to monitor the changes that are taking place in the air transport industry. This is being done by revising Schedule P-1(a) to include these six key income and expense items: (1) Total Operating Revenues; (2) Total Operating Expenses; (3) Operating Profit or Loss; (4) Net Income; (5) Passenger Revenues Scheduled Service; and (6) Public Service Revenues (Subsidy). Schedule P-1(a) will be retitled "Interim Operations Report" and will also contain the employment statistics that are being carried forward from the old Schedule P-1(a). These employment statistics are needed to administer the Employee Protection Program enacted in Section 43 of the Airline Deregulation Act of 1978 (P.L. 95-504), and to monitor changes in overall industry employment.

Finally, we have decided against accelerating the due dates for this monthly report and decided to make no change past policy toward confidential treatment. The rule does, however, eliminate an obsolete reference to Section 19-6 and, instead, enumerates in Section 22(b) of Part 241 the long-standing exceptions under which confidential monthly income and expense data contained on Schedule P-1(a) may be released.

Small Carriers and New Entrants

In EDR-393, a new Schedule T-9, "Nonstop Market Report" was proposed for small certificated carriers (Group I carriers) and medium-sized certificated carriers (Group II carriers) that are not now required to file service segment data in ADP formats. It was also proposed that this same schedule be used by larger new entrants until such time as they were able to comply with ADP requirements imposed on incumbent carriers of comparable size.

American, Hughes Airwest and Trans World Airlines supported adoption of the new schedule indicating that as a matter of equity, a minimum amount of this type of data should be required from all carriers as long as they are obliged to provide the Board with service segment data. The Commuter Airline Association of America (CAAA) and Air Wisconsin supported the proposed Schedule T-9 as a viable and useful alternative to the detailed service segment data provided by larger carriers.

Midway Airlines objected to the new Schedule T-9 for competitive reasons. Midway indicated that the data to be provided on the new schedule is sensitive and could be used to their disadvantage by other carriers.

We have noted that the sensitivity issue cuts in both directions. It is both the basis of support for the new Schedule T-9 by incumbent carriers and the basis for the opposition expressed by Midway Airlines. While it might be argued that incumbent carriers, particularly large ones, have greater resources to capitalize on market data; it could also be argued that an absence of market data from small certificated carriers provides these carriers with an opportunity to capitalize on market oriented data now provided by uncertificated commuters under Part 298 of the Board's Economic Regulations (14 CFR Part 298).

As pointed out in EDR-393, there is a market data gap between large certificated carriers who file service segment data and commuters who file CAB Form 298-C, Schedule T-1, "Report of Revenue Traffic by On-line Origin and Destination." It is this gap which the Board has proposed to close, and therefore, we are not persuaded by Midway's contentions of a competitive disadvantage.

We do not believe that the new Schedule T-9 will impose any significant hardships. The CAAA indicated that the new schedule did not seem to be any more burdensome than the CAB Form 298-C Schedule T-1 that most new entrants became accustomed to as commuters. Midway Airlines did not indicate any inability to comply with the proposed schedule.

Accordingly, the new Schedule T-9 will be incorporated into the CAB Form 41 Report as proposed in EDR-393 with one modification. Small certificated carriers shall use Schedule T-9 for all scheduled operations including scheduled commuter operations.

The one modification is the addition of one column to report "Minutes-Ramp-to-Ramp." This statistic is most commonly related to aircraft operating expenses to obtain per hour operating costs for different aircraft types. It will be most useful for the Board to have these data when calculating compensation guidelines for Essential Air Services in accordance with Section 419(d) of the Act.

At a later date, the Board may propose to collect some additional data on priority and nonpriority mail on Schedule T-9 for mail rate purposes. Carriers should not introduce inflexibilities in their data collection systems that would prevent collection of these data on Schedule T-9 at some future time.

Other Matters

Since the issuance of EDR-393, a number of new carriers have become certificated. The list of carriers that was presented in EDR-393 has been updated accordingly.

Some of the schedules eliminated by this rule have been used in part to provide data to the International Civil Aviation Organization (ICAO). The ICAO reports require only selected data items from these schedules and only for some of the carriers that file them. Therefore, we do not feel these schedules should be retained for ICAO purposes, but we will require special reports from the carriers involved to meet our ICAO commitment.

For reporting purposes, Section 21(g) of Part 241 will be amended to include Puerto Rico and U.S. Virgin Islands operations in the Domestic entity, as was proposed in EDR-393 but beginning January 1, 1981. All other aspects of the rule will become effective October 1, 1980.

Finally, in response to several requests, we have changed the due dates for Schedule T-8, "Report of Section 418 Operations" to allow more time to file the report at calendar year end.

Final Rule

The Board hereby amends Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers* (14 CFR Part 241) as follows:

1. The Table of Contents is amended to revoke and reserve line 2-19 now entitled "Accounting for Pension Plans."

2. Section 03 is amended to read:

Section 03—Definitions for purposes of this system of accounts and reports

* * * * *

Air carrier—any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation.

Air carrier, charter—an air carrier holding a certificate issued under Section 401(d)(3) of the Federal Aviation Act of 1958. For the purposes of this Part, carriers with Section 401(d)(3) certificates and special operating authorization issued under Section 417 of the Act will be regarded as charter carriers.

Air carrier, route—an air carrier holding a Certificate of Public Convenience and Necessity pursuant to Section 401(d) (1), (2), (5) or (7) of the Federal Aviation Act of 1958, as

amended, authorizing it to engage in air transportation over a route, or routes, designated by the Board.

Air carrier, surviving—* * *

* * * * *

Air transportation, charter—air transportation authorized pursuant to Section 401(d)(3).

* * * * *

Service, scheduled—transport service operated pursuant to published flight schedules, including extra sections and related nonrevenue flights.

3. Paragraph (c) of Section 04 is amended to read:

Section 04—Air Carrier Groupings and Standard Name Abbreviations

* * * * *

(c) * * *

Name	Abbreviation	Section 406 subsidy (Yes or No)
Group I Air Carriers:		
Aeromech, Inc.	Aeromech	No.
Aeronaves de Puerto Rico, Inc.	Aeronaves	No.
AIAL, Inc. d.b.a. Atlantic International Airlines.	AIAL	No.
Air America Inc.	Air America	No.
Air Berlin Charter d.b.a. Air Berlin U.S.A.	Air Berlin	No.
Air Fleets International, Inc.	Air Fleets	No.
Air Florida, Inc.	Air Florida	No.
Air Micronesia, Inc.	Air Micronesia	No.
Air Midwest, Inc.	Air Midwest	Yes.
Air New England, Inc.	Air New England	Yes.
Air Wisconsin, Inc.	Air Wisconsin	No.
Alaska International Air, Inc.	Alaska International	No.
Altair Airlines, Inc.	Altair	No.
American Eagle Airlines, Inc.	American Eagle	No.
Ana Ltd d.b.a. Air North	Air North	No.
Apollo Airways, Inc.	Apollo	No.
Arrow Airways, Inc.	Arrow	No.
Aspen Airways, Inc.	Aspen	No.
Big Sky Transportation Co. d.b.a. Big Sky Airlines.	Big Sky	No.
Cascade Airways, Inc.	Cascade	No.
Chicago Helicopter Airways, Inc.	Chicago Helicopter	No.
Cochise Airlines, Inc.	Cochise	Yes.
Colonial Airlines, Inc.	Colonial	No.
Conner Air Lines, Inc.	Conner	No.
DHL Airways, Inc.	DHL Airways	No.
Empire Air Lines, Inc.	Empire	No.
Evergreen International Airlines, Inc.	Evergreen	No.
Federal Express Corp.	Federal Express	No.
Gem State Investors, Inc. d.b.a. Golden Gate Airlines.	Golden Gate	No.
Golden West Airlines, Inc.	Golden West	No.
Great Northern Airlines, Inc.	Great Northern	No.
Homeric International Airlines, Inc.	Homeric	No.
Imperial Airlines, Inc.	Imperial	No.
Jet Executive International, Inc.	Jet Executive	No.
Jet Fleet Corp.	Jet Fleet	No.
J.F.C. Enterprises d.b.a. Concord International Airlines.	Concord International	No.
Kodiak-Western Alaska Airlines, Inc.	Kodiak	Yes.
Mackey International, Inc.	Mackey	No.
McCulloch International Airlines, Inc.	McCulloch	No.
Mid-South Aviation, Inc.	Mid-South	No.
Midway Airlines, Inc.	Midway	No.
Midway (Southwest) Airlines.	MSA	No.
Mississippi Valley Airlines, Inc.	Mississippi Valley	No.
Modern Airways, Inc.	Modern	No.
Munz Northern Airlines, Inc.	Munz	No.
New Haven Airways, Inc.	New Haven	No.
New York Airways, Inc.	New York Airways	No.
R & B Air Travel	R & B	No.
Reeve Aleutian Airways, Inc.	Reeve	No.
Rich International Airways, Inc	Rich	No.
Sky West Aviation, Inc.	Sky West	Yes.
Southeast Airlines, Inc.	Southeast	No.
Southern Air Transport, Inc.	Southern Air Transport.	No.
Swift Aire Lines, Inc.	Swift Aire	No.
Trans Carib Air, Inc.	Trans Carib	No.
Trans Global Airlines, Inc.	Trans Global	No.
Wright Air Lines, Inc.	Wright	No.
Zantop International Airlines, Inc.	Zantop	No.
Group II Air Carriers:		
Air California, Inc.	Air-Cal	No.
Alaska Airlines, Inc.	Alaska	Yes.
Aloha Airlines, Inc.	Aloha	No.
Hawaiian Airlines, Inc.	Hawaiian	No.
Wien Air Alaska	Wien	Yes.
Group III Air Carriers:		
Airlift International, Inc.	Airlift	No.
American Airlines, Inc.	American	No.
Braniff Airways, Inc.	Braniff	No.
Capitol International Airways, Inc.	Capitol	No.
Continental Air Lines, Inc.	Continental	No.
Delta Air Lines, Inc.	Delta	No.
Eastern Air Lines, Inc.	Eastern	No.
The Flying Tiger Line, Inc.	Flying Tiger	No.
Frontier Airlines, Inc.	Frontier	Yes.
Hughes Air Corp., d.b.a. Hughes Airwest.	Airwest	Yes.
Northwest Airlines, Inc.	Northwest	No.
Overseas National Airways, Inc.	Overseas	No.
Ozark Air Lines, Inc.	Ozark	Yes.
Pan American World Airways, Inc.	Pan American	No.
Piedmont Aviation, Inc.	Piedmont	Yes.
PSA-Pacific Southwest Airlines.	PSA	No.
Republic Airlines, Inc.	Republic	Yes.
Seaboard World Airlines, Inc.	Seaboard	No.
Southwest Airlines Co.	Southwest	No.
Texas International Airlines, Inc.	Texas	No.
Transamerica Airlines, Inc.	Transamerica	No.
Trans World Airlines, Inc.	Trans World	No.
United Air Lines, Inc.	United	No.
US Air Inc. d.b.a. USAir	USAir	No.
Western Air Lines, Inc.	Western	No.
World Airways, Inc.	World	No.

4. Paragraph (d) of Sec. 2-4 is revised to read:

Sec. 2-4 Accounting period.

* * * * *

(d) Expenditures charged directly or amortized to operations within one accounting year shall not be reversed in a subsequent accounting year and reamortized or charged directly against operations of subsequent years except that retroactive adjustments are permitted where necessary to conform with adjustments required by the Civil Aeronautics Board for ratemaking purposes.

Sec. 2-19 [Revoked and Reserved]

5. Section 2-19 accounting for pension plans is revoked and reserved.

6. Paragraph (b) of Sec. 5-5 is amended to read:

Sec. 5-5 Other assets.

* * * * *

(b) Deferred charges having a definite time incidence shall be amortized over the periods to which they apply.

Section 6—Objective Classification of Balance Sheet Elements

7. Section 6, *Objective classification of balance sheet elements* is amended by:

1510 [Amended]

Revoking and reserving paragraph (b) of the instructions for Account 1510, *Investments in Associated Companies.*

1870 [Amended]

Revoking and reserving paragraph (c) of the instructions for Account 1870, *Property Acquisition Adjustment.*

Deleting the last sentence and the word "leasehold" from the instructions for Account 1880 so that the instruction reads:

1880 Intangible assets.

Record here the cost of patents, copyrights and other intangible properties, rights and privileges acquired as a part of a business from other air carriers and other intangibles not provided for elsewhere. This account shall be subdivided to reflect the nature of each intangible asset included in this account.

2120 [Amended]

D. Revoking paragraph (c) of the instructions for Account 2120, *Accrued Vacation Liability.*

Section 10—Functional Classification-Operation Expenses of Group I Air Carriers

5300 [Amended]

8. Section 10—Functional Classification-Operating Expenses of Group I Air Carriers is amended by deleting the last sentence of paragraph (c) of the instruction for functional classification 5300—*Maintenance Burden.*

Section 11—Functional Classification-Operating Expenses of Group II and Group III Air Carriers

5300 [Amended]

9. Section 11—Functional Classification-Operating Expenses of Group II and Group III Air Carriers is amended by deleting the last sentence of paragraph (c) of the instruction for functional classification 5300—*Maintenance Burden.*

Section 12—Objective Classification-Operating Revenues and Expenses

57 [Amended]

10. Section 12—Objective Classification–Operating Revenues and Expenses is amended by deleting paragraph (b) of the instruction for objective classification 57—*Employee Benefits and Pensions.*

11. Section 19–3 is amended to read:

19–3 Accessibility and Transmittal of Data.

(a) Each air carrier shall maintain its prescribed operating statistics in a manner and at such locations as will permit ready availability for examination by representatives of the Board. All Group I subsidized carriers and Group II subsidized carriers and all Group III carriers shall transmit to the Board on a monthly basis individual flight stage data for scheduled services as prescribed in Section 19–5, summarized by flight number, service segment, service class and aircraft type. Group I subsidized carriers and Group II subsidized carriers and all Group III air carriers shall utilize either ADP tapes or ADP punched cards for transmitting the prescribed data to the Board unless otherwise specifically permitted by the Director, Office of Economic Analysis to provide flight stage data on Schedule T–9. All unsubsidized Group I carriers and unsubsidized Group II carriers shall transmit to the Board on a monthly basis individual flight data for scheduled services as prescribed in the reporting instructions for Schedule T–9 in Section 25 of this Part.

(b) Individual flight stage data for Section 418 all-cargo operations shall not be transmitted to the Board but shall be included in the summary Schedules T–1, T–2 and T–3 prescribed in Section 25 of this Part.

(c) All ADP oriented records shall be transmitted in accordance with standard practices established by the Board's Office of Comptroller. All such data shall be received by the Civil Aeronautics Board at its offices in Washington, D.C., no later than 30 days following the close of the month to which applicable.

12. Paragraphs (a), (c), (g), (h), and (i) of Section 21 are amended to read:

Section 21—Introduction to system of reports.

(a) Each air carrier subject to the Federal Aviation Act of 1958, as amended, shall file with the Civil Aeronautics Board monthly, quarterly, semiannually, and annually CAB Form 41 Reports of financial and operating statistics as prescribed herein unless waiver has been made by the Civil Aeronautics Board.

* * * * *

(c) The prescribed system of reports provides that the frequency of reporting shall be monthly for some schedules, quarterly for some, semiannually for one, and annually for others. It also provides in some areas for the classification of air carriers into Group I, Group II, and Group III, with the form and content differentiated as between groups.

* * * * *

(g) Four separate air carrier entities shall be established for air carriers conducting scheduled service for the purpose of submitting the prescribed reports. They are as follows: (1) Domestic operations; (2) operations via the Atlantic Ocean; (3) operations via the Pacific Ocean; and (4) operations in Latin American areas. With respect to the first classification, the domestic entity shall embrace all operations within and between the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the United States Virgin Islands, and shall also include Canadian transborder operations. The reports to be submitted by each entity shall be comparable to those required of a distinct legal entity whether the reporting entity constitutes such an entity, a semiautonomous physically separated operating division of the carrier, or an entity established for reporting purposes only.

(h) Each air carrier predominantly engaged in conducting charter activities shall comprise a single reporting entity; however, separate data shall be reported on Schedule P–3.1 and Schedule T–3.1 for domestic operations and international operations. The domestic entity will embrace all operations within and between the 50 states of the United States and the Commonwealth of Puerto Rico, and the United States Virgin Islands. All other operations shall be considered international.

(i) The entities for which separate reports shall be made by the different route and charter air carriers are set forth below in the lists entitled "Route Air Carrier Reporting Entities" and "Charter Air Carrier Reporting Entities."

Air carrier	Entities
Aeromech, Inc	Domestic.
Aeronaves de Puerto Rico, Inc	Domestic, International.
AIAL, Inc. d.b.a. Atlantic International Airlines	Do.
Air America Incorporated	Do.
Air Berlin Charter d.b.a. Air Berlin U.S.A.	International.
Air California, Inc	Domestic.
Air Fleets International, Inc	Domestic, International.
Air Florida, Inc	Domestic, Latin America.
Airlift International, Inc	Do.
Air Micronesia, Inc	Pacific.
Air Midwest, Inc	Domestic.
Air New England, Inc	Do.
Air Wisconsin, Inc	Do.
Alaska Airlines, Inc	Do.
Alaska International Air, Inc	International.
Aloha Airlines, Inc	Domestic.
Altair Airlines, Inc	Do.
American Airlines, Inc	Domestic, Latin America.
American Eagle Airlines, Inc	Domestic, International.
ANA, Ltd. d.b.a. Air North	Domestic.
Apollo Airways, Inc	Do.
Arrow Airways, Inc	Domestic, International.
Aspen Airways, Inc	Domestic.
Big Sky Transportation Company d.b.a. Big Sky Airlines	Do.
Braniff Airways, Inc	Domestic, Latin America, Atlantic, Pacific.
Capitol International Airways, Inc	Domestic, International.
Cascade Airways, Inc	Domestic.
Chicago Helicopter Airways, Inc	Do.
Cochise Airlines, Inc	Do.
Colonial Airlines, Inc	Do.
Connier Air Lines, Inc	Domestic, International.
Continental Air Lines, Inc	Domestic, Pacific, Latin America.
Delta Air Lines, Inc	Domestic, Latin America, Atlantic.
DHL Airways, Inc	Domestic.
Eastern Air Lines, Inc	Domestic, Latin America.
Empire Airlines, Inc	Domestic.
Evergreen International Airlines, Inc	Domestic, International.
Federal Express Corp	Domestic.
The Flying Tiger Line Inc	Domestic, Pacific.
Frontier Airlines, Inc	Domestic.
Gem State Investors, Inc. d.b.a. Golden Gate Airlines	Do.
Golden West Airlines, Inc	Do.
Great Northern Airlines, Inc	Do.
Hawaiian Airlines, Inc	Domestic, Pacific.
Homenc International Airlines, Inc	Domestic, International.
Hughes Air Corp. d.b.a. Hughes Airwest	Domestic.
Imperial Airlines, Inc	Do.
Jet Executive International, Inc	Domestic, International.
Jet Fleet Corporation	Do.
J.F.C. Enterprises d.b.a. Concord International Airlines	Domestic.
Kodiak-Western Alaska Airlines, Inc	Do.

Air carrier	Entities
Mackey International, Inc	Domestic, Latin America.
McCulloch International Airlines, Inc	Domestic, International.
Mid-South Aviation, Inc	Domestic.
Midway Airlines, Inc	Do.
Midway (Southwest) Airlines	Do.
Mississippi Valley Airlines, Inc	Do.
Modern Airways, Inc	Domestic, International.
Munz Northern Airlines, Inc	Domestic.
New Haven Airways, Inc	Do.
New York Airways, Inc	Do.
Northwest Airlines, Inc	Domestic, Pacific, Atlantic.
Overseas National Airways, Inc	Domestic, International.
Ozark Air Lines, Inc	Domestic.
Pan American World Airways, Inc	Domestic, Latin America, Atlantic, Pacific.
Piedmont Aviation, Inc	Domestic.
PSA-Pacific Southwest Airlines, Inc	Do.
R & B Air Travel	Domestic, International.
Reeve Aleutian Airways, Inc	Domestic.
Republic Airlines, Inc	Do.
Rich International Airways, Inc	Domestic, International.
Seaboard World Airlines, Inc	Domestic, Atlantic.
Sky West Aviation, Inc	Domestic.
Southeast Airlines, Inc	Domestic, Latin America.
Southern Air Transport, Inc	Domestic, International.
Southwest Airlines Company	Domestic.
Swift Aire Lines, Inc	Do.
Texas International Airlines, Inc	Do.
Transamerica Airlines, Inc	Domestic, International.
Trans Carib Air, Inc	Domestic, Atlantic.
Trans Global Airlines, Inc	Domestic, International.
Trans World Airlines, Inc	Domestic, Atlantic, Pacific.
United Air Lines, Inc	Domestic.
US Air, Inc. d.b.a.USAir	Do.
Western Air Lines, Inc	Domestic, Latin America.
Wien Air Alaska, Inc	Domestic.
World Airways, Inc	Domestic, International.
Wright Air Lines, Inc	Domestic.
Zantop International Airlines, Inc	International.

Section 22—General Reporting Instructions

13. Section 22, *General reporting instructions* is amended by:

A. Revising the list of schedules in CAB Form 41 Report to read:

List of Schedules in CAB Form 41 Report

Schedule No.	Schedule title	Filing frequency	Applicability by carrier group		
			I	II	III
A	Certification	Quarterly	×	×	×
A-2	Controlling person's certification	Annually	×	×	×
B-1	Balance sheet	Quarterly	×	×	×
B-3	Statement of changes in stockholder equity.	do	(4)	×	×
B-5	Property and equipment	do	(4)	(4)	(4)
B-7	Airframes and aircraft engines acquired	do	(3)	(3)	(3)
B-7(a)	Reinvestment of flight equipment capital gains.	(1)	(4)	(4)	(4)
B-7(b)	Flight equipment acquired	Quarterly			(3)
B-8	Property and equipment retired	do	×	×	×
B-8(a)	Flight equipment capital gains invested or deposited for investment in flight equipment.	(1)	(4)	(4)	(4)
B-10	Unamortized developmental and preoperating costs.	Quarterly	×	×	×
B-12	Statement of changes in financial position.	do	×	×	×
B-13	Summary of projected financial commitments and related deposits.	do	(4)	×	×
B-41	Receivables, payables and investments relating to affiliates and other investment data.	Annually	×	×	×
B-43	Inventory of airframes and aircraft engines.	do	×	×	×
B-46	Long-term and short-term nontrade debt	do	(4)	(4)	×
P-1.1	Statement of operations	Quarterly	×		
P-1.2	Statement of operations	do		×	×
P-1(a)	Interim operations report	Monthly	×	×	×
P-2	Notes to CAB form 41 report	Quarterly	×	×	×
P-2(a)	Revenue market report	do			(5)
P-3	Transport revenues; depreciation and amortization; nonoperating income and expense (net).	do	(5)	(5)	(5)
P-3.1	Transport revenues	do	(6)	(6)	(6)
P-3(a)	Income taxes	do			(5)
P-4	Transport-related revenues and expenses; explanation of extraordinary items and cumulative effect of accounting changes on prior years; explanation of prior period adjustments and dividends declared.	Quarterly	(4)	(5)	(5)
P-5.1	Aircraft operating expenses—Group I carriers.	do	×		
P-5.2	Aircraft operating expenses—Group III air carriers.	do		×	×
P-5(a)	Components of flight equipment depreciation.	do	(4)	(4)	(4)

List of Schedules in CAB Form 41 Report—Continued

Schedule No.	Schedule title	Filing frequency	Applicability by carrier group		
			I	II	III
P-6	Maintenance, passenger service and general and administrative xxpense functions—all air carrier groups.	do	×	×	×
P-7	Aircraft and traffic servicing, promotion and sales, and general and administrative expense functions—Group II and group III air carriers.	do		×	×
P-8	Aircraft and traffic servicing, and promotion and sales expense subfunctions—Group III air carriers.	do			×
P-10	Employment statistics by labor category	Annually	(2)	(2)	(2)
P-12	Fuel inventories and consumption	Monthly	×	×	×
P-12(a)	Fuel consumption by type of service and specific operational markets.	do	×	×	×
T-1(a)	Traffic and capacity statistics by class of service.	do	(3)	(3)	(3)
T-1(b)	Traffic and capacity statistics by class of service—Scheduled Services.	do		(3)	(3)
T-1(c)	Traffic and capacity statistics by class of service-Nonscheduled Services.	do		(3)	(3)
T-2(a)	Traffic, capacity, aircraft operations, and miscellaneous statistics by type of aircraft.	Quarterly	(3)	(3)	(3)
T-2(b)	Traffic, capacity, aircraft operations, and miscellaneous statistics by type of aircraft.	do	(3)	(3)	(3)
T-3(a)	Airport activity statistics—Revenue Service	do	(3)	(3)	(3)
T-3(b)	Airport activity statistics—Revenue Service	do	(3)	(3)	(3)
T-3(c)	Airport activity statistics—Nonscheduled Revenue Service.	do	(3)	(3)	(3)
T-3.1	Statement of traffic and capacity statistics	Monthly	(4)	(4)	(4)
T-6	Report of civil aircraft charters	Quarterly	(6)	(6)	×
T-7	Statistical market report	Monthly			(3)
T-8	Report of section 418 operations	Semiannually	(7)	(7)	(7)
T-9	Nonstop market report	Monthly	(4)	(8)	
T-41	Charter and special services revenue aircraft—Miles Flown; Calculation of Limitation of Charter Trips.	do		(5)	(5)
G-41	Persons holding more than 5 per centum of respondents capital stock or capital.	Annually	×	×	×

[1] In accordance with the provisions of §§ 235.4 and 235.5 of Part 235 of this Subchapter.
[2] Applicable to all carriers except local service carriers.
[3] Applicable only to local service carriers.
[4] Applicable only to carriers receiving Section 406 subsidy.
[5] Applicable to all route carriers.
[6] Applicable to charter carriers.
[7] Applicable to all carriers holding Section 418 certificates.
[8] Applicable to carriers not receiving Section 406 subsidy.

B. Revising the list of Due Dates of Schedules in CAB Form 41 Report to read:

Due Dates of Schedules in CAB Form 41 Report

Due dates [1]	Schedule No.
January 20	P-12, P-12(a).
January 30	P-1(a), T-1, T-2, T-3, T-3.1, T-6, T-7, T-9, T-41.
February 10 [2]	A, B-1, B-3, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-10.
February 20	P-12, P-12(a).
March 1	P-1(a), T-1, T-3.1, T-7, T-9.
March 20	P-12, P-12(a).
March 30	A-2, B-41, B-43, B-46, P-1(a), G-41, T-1, T-3.1, T-7, T-8, T-9.
April 20	P-12, P-12(a).
April 30	P-1(a), T-1, T-2, T-3, T-3.1, T-6, T-7, T-9.
May 10	A, B-1, B-3, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8.
May 20	P-12, P-12(a).
May 30	P-1(a), T-1, T-3.1, T-7, T-9.
June 20	P-12, P-12(a).
June 30	P-1(a), T-1, T-3.1, T-7, T-9.
July 20	P-12, P-12(a).
July 30	P-1(a), T-2, T-1, T-3, T-3.1, T-6, T-7, T-9.
August 10	A, B-1, B-3, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, T-8.
August 20	P-12, P-12(a).
August 30	P-1(a), T-1, T-3.1, T-7, T-9.
September 20	P-12, P-12(a).
September 30	P-1(a), T-1, T-3.1, T-7, T-9.
October 20	P-12, P-12(a).
October 30	P-1(a), T-1, T-2, T-3, T-3.1, T-6, T-7, T-9, T-41.
November 10	A, B-1, B-3, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8.
November 20	P-12, P-12(a).
November 30	P-1(a), T-1, T-3.1, T-7, T-9.
December 20	P-12, P-12(a).
December 30	P-1(a), T-1, T-3.1, T-7, T-9.

[1] Due dates falling on a Saturday, Sunday or national holiday will become effective the first following workday.
[2] B and P reporting dates are extended to March 30, if preliminary schedules are filed at the Board by February 10.

C. Revising paragraph (b) to read:

* * * * *

(b) Each air carrier shall file the applicable schedules of the CAB Form 41 Reports with the Civil Aeronautics Board in accordance with the above instructions, except that the time for filing B and P report schedules for the final quarter of each calendar year may be extended to the following March 30: Provided, That preliminary Schedules B-1, P-1.1 or P-1.2, P-3, P-3.1, and P-3(a) are submitted, as applicable, and are received on or before their respective due dates. For the third month of any calendar quarter, Schedule P-1(a) need not be filed: Provided, That Schedule P-1.1 or P-1.2 for the quarter is received on the due date prescribed for Schedule P-1(a) rather than the due date prescribed for Schedule P-1.1 or P-1.2. Income and expense data on Schedule P-1(a) for each month shall be withheld from public disclosure, until such time as (1) the quarterly financial reports are due, (2) the quarterly financial reports are filed, or (3) information covered by monthly reports is publicly released by the carrier concerned, whichever first occurs. Before then, income and expense data reported on Schedule P-1(a) can be disclosed to parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board. Any data to which access is granted may be introduced into evidence, subject to the normal rules of admissability of evidence. The Board will make other disclosure of these data upon its own motion or upon application of any interested person, when the Board finds the public interest so requires. The Board may, from time to time publish summary information compiled from Schedule P-1(a) in a form which will not identify the individual carrier. At the request of an air carrier, and upon a showing by such air carriers that public disclosure of its preliminary year-end report would adversely affect its interests and would not be in the public interest, the Board will withhold such preliminary year-end report from public disclosure until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

* * * * *

D. In paragraph (d), revoking and reserving paragraphs (d)(2), (d)(7), (d)(11), (d)(13), (d)(14) and (d)(15).

E. Revising paragraph (e) to read:

* * * * *

(e) All financial data reported on B, P, and G schedules shall reflect the status of the air carrier's books of account for the period for which report is being made and shall conform to the instructions of this Uniform System of Accounts and Reports. At the option of the air carrier financial data may be reported in thousands of dollars by Group III air carriers, and in whole dollars by Group I and Group II air carriers, by either dropping or rounding the hundreds of dollars and the cents, respectively, provided all amounts are balanced within and between schedules and zero digits are inserted for the actual money amounts eliminated.

* * * * *

Section 23—Certification and Balance Sheet Elements

14. Section 23, *Certification and Balance Sheet Elements* is amended by:

Schedule A-1 [Revoked]

A. Revoking the title and reporting instructions for Schedule A-1, *Status of Accounting Plans Required to be Filed.*

B. Revising paragraph (b) and revoking and reserving paragraph (c) of the reporting instructions for Schedule B-1 to read:

Schedule B-1 Balance Sheet

* * * * *

(b) This schedule shall reflect the balances at the close of business on the last day of each calendar quarter for the overall or system operations of each air carrier in conformance with the provisions of sections 4, 5, and 6.

(c) [Reserved]

* * * * *

Schedule B-2 [Revoked]

C. Revoking the title and reporting instructions for Schedule B-2, *General Notes to Financial Statements.*

Schedule B-4 [Revoked]

D. Revoking the title and reporting instructions for Schedule B-4, *Allowances for Uncollectible Accounts.*

E. Revising paragraph (a) of the reporting instructions for Schedule B-5 to read:

Schedule B-5 Property and Equipment

(a) This schedule shall be filed by all subsidized carriers.

* * * * *

Schedule B-11 [Revoked]

F. Revoking the title and reporting instructions for Schedule B-11, *Aging of Receivables and Payables*

Schedule B-14 [Revoked]

G. Revoking the title and reporting instructions for Schedule B-14, *Summary of Property Obtained Under Long-Term Leases*

Schedule B-44 [Revokved]

H. Revoking the title and reporting instructions for Schedule B-44, *Transactions Between Air Carriers and Affiliates—Annual Summary*

Section 24—Profit and Loss Elements

15. Section 24, *Profit and Loss Elements* is amended by:

A. Revising paragraphs (b), (c), and (d), and adding a new paragraph (h) to the reporting instructions for Schedule P-1.1 and Schedule P-1.2 to read:

Schedule P-1.1 Statement of Operations—Group I Air Carriers

Schedule P-1.2 Statement of Operations—Group II and Group III Air Carriers

* * * * *

(b) Route air carriers shall file separate statements of operations for each separate operating entity and for the overall, or system, operations.

(c) Charter air carriers shall report data only in the column headed "Quarter" for the overall or system operations of the air carrier. Cumulative "12-Months-to-Date" and "Year-to-Date" information is not required from charter air carriers but it is acceptable if the report is used for submission to the Securities and Exchange Commission as explained in section 22(k).

(d) Data reported in the "12-Months-to-Date" column shall represent for each individual item the sum of amounts reported in the "Quarter" column for the current and next previous three quarters. Data in the "Year-to-Date" column need not be provided when this schedule is not used for submission to the SEC. But when the schedule is used for SEC purposes, data reported in the "Year-to-Date" column shall represent, for the first three quarters of the carrier's fiscal year or calendar year, amounts from the beginning of the carrier's fiscal or calendar year to the end of the quarter for which the schedule is being submitted. For the fourth quarter of the air carrier's fiscal or calendar year, the "Year-to-Date" column should be used for the

comparative presentation of data for the prior year.

* * * * *

(h) Any air carrier which does not file a Schedule P-1(a) in accordance with the filing option described in Section 22—General Reporting Instructions shall, for the third month of any calendar quarter during which the option is exercised, type in the bottom margin of the system statement of operations the total number of full-time and the total number of part-time employees to be labled as such and calculated in accordance with paragraph (d) of the reporting instructions for Schedule P-1(a).

B. Revising paragraphs (a) and (d) of the reporting instructions for Schedule P-1(a) to read:

Schedule P-1(a) Interim Operations Report

(a) This schedule shall be filed by all air carriers.

* * * * *

(d) Air carriers shall report on this schedule (1) Total operating revenues, (2) Total operating expenses, (3) Operating profit or loss, (4) Net income, (5) Passenger revenues—scheduled service, (6) Public service revenues (subsidy) and other information on (7) the total number of full-time and (8) part-time employees. Total number of full-time employees and total number of part-time employees shall reflect for the overall or system operations of the air carrier the total number of full-time and part-time employees, respectively, who worked or received pay for any part of the pay period(s) ending nearest the 15th day of the month. For the purpose of this Part, "part-time employees" shall include all employees hired to work less than customary or standard hours.

* * * * *

C. Revising paragraph (p) of the reporting instructions for Schedule P-2 to read:

Schedule P-2 Notes to CAB Form 41 Report

* * * * *

(p) Charter air carriers shall note on this schedule the balances in subaccounts 87 and 88.2 of profit and loss account 8100 as reported on the P-1 schedules, together with dividends declared in the current period on the stocks of investor controlled companies.

* * * * *

D. Revising paragraph (a) of the reporting instructions for Schedule P-3.1 to read:

Schedule P-3.1 Transport Revenues

(a) This schedule shall be filed by all charter air carriers.

* * * * *

E. Revising paragraph (c-1) of the reporting instructions for Schedule P-5.1 and Schedule P-5.2 to read:

Schedules P-5.1 and P-5.2 Aircraft Operating Expenses

* * * * *

(c-1) Charter air carriers shall file this schedule for quarterly data only. The caption "Operation" at the head of each column is not applicable to charter carriers.

* * * * *

F. Revising paragraphs (a) and (c) of the reporting instructions for Schedule P-5(a) to read:

Schedule P-5(a)—Components of Flight Equipment Depreciation

(a) This schedule shall be filed by all subsidized air carriers.

* * * * *

(c) Subsidized air carriers shall file this schedule * * *

* * * * *

G. Revising paragraphs (a), (b), (d) and (g) of the reporting instructions for Schedule P-6 to read:

Schedule P-6—Maintenance, Passenger Service and General Services and Administration Expense Functions

(a) This schedule shall be filed by all carriers.

(b) Route air carriers conducting scheduled operations shall file this schedule for each operating entity.

* * * * *

(d) Charter air carriers shall file this schedule for quarterly data only. The caption "Operation" at the head of each column is not applicable to charter carriers.

* * * * *

(g) Item 79.6 Applied Maintenance Burden-Flight Equipment and 79.8 Applied Maintenance Burden-General Ground Property, respectively, shall reflect a memorandum allocation by each air carrier of the total expenses included in subfunction 5300 Maintenance Burden between maintenance of flight equipment (by aircraft types) and maintenance of ground property and equipment. Where airframe and aircraft engine overhauls are accounted for on the accrual basis to produce a matching of costs with the operation of aircraft the allocation of maintenance burden shall give effect to charges and credits to profit and loss account 5272 Flight Equipment Airworthiness Provisions in order to effect an equitable allocation of such costs.

* * * * *

H. Revising paragraphs (d) and (e) of the reporting instructions for Schedule P-7 to read:

Schedule P-7—Aircraft and Traffic Servicing, Promotion and Sales and General and Administrative Expense Functions.

* * * * *

(d) Charter air carriers shall file this schedule for quarterly data only. The caption "Operation" at the head of each column is not applicable to charter air carriers.

(e) Group II air carriers and Group III charter carriers shall report the indicated data for all except subfunction 6100 Aircraft Servicing.

* * * * *

I. Revising paragraph (d) of the reporting instructions for Schedule P-8 to read:

Schedule P-8—Aircraft and Traffic Servicing and Promotion and Sales Expense Subfunctions

* * * * *

(d) Charter air carriers shall file this schedule for quarterly data only. The caption "Operation" at the head of each column is not applicable to charter carriers.

* * * * *

Schedule P-9.7 [Revoked]

J. Revoking the title and reporting instructions for Schedule P-9.2, *Distribution of Ground Servicing Expenses by Geographic Location—Group II and Group III Route Air Carriers.*

Section 25—Traffic and Capacity Elements

16. Section 25—*Traffic and Capacity Elements* is amended by:

A. Revising paragraphs (a) and (n) of the reporting instructions for Schedule T-3.1 to read:

Schedule T-3.1—Statement of Traffic and Capacity Statistics

(a) This schedule shall be filed by all charter carriers.

* * * * *

(n) Each charter air carrier shall * * *

* * * * *

B. Revising paragraph (a) of the reporting instructions for Schedule T-6 to read:

Schedule T-6—Report of Civil Aircraft Charters

(a) This schedule shall be filed by all Group III air carriers and Group I and Group II charter air carriers.

* * * * *

C. Inserting reporting instructions for a new Schedule T-9 following the reporting instructions for Schedule T-8 to read:

Schedule T-9—Nonstop Market Report

(a) This schedule shall be filed monthly by all Group I and Group II unsubsidized carriers providing scheduled service and may be used, with the approval of the Director, Office of Economic Analysis, by new entrants and others without Automatic Data Processing capability that would otherwise be required to comply with the requirements of Section 19-3.

(b) This schedule shall be withheld from public disclosure only as provided in Section 19-6.

(c) Each schedule contains a five block carrier code and a four block date code. The five block carrier code is assigned to individual carriers by the Office of Comptroller. The four block date code will be used to record the year and the month. The first two blocks of the date code shall be used to record the year and the second two blocks shall be used to record the month in the calendar year. Months will be numbered consecutively beginning with 01 for January and continuing through 12 for December.

(d) Separate sheets of this schedule shall be filed for each operational entity and individual flight stages shall be reported on separate lines. Where different aircraft types are used, separate lines will be used for those flight stages.

(e) In column 1, carriers shall report the line number as a point of reference for the data reported.

(f) In columns 2 and 3, respectively, carriers shall report the takeoff and landing for each flight stage. Carriers shall use the three-letter airport codes in the "Official Airline Guide" (OAG). If the OAG contains no three-letter code for a point served by the carrier, a three-letter code will be provided by the Civil Aeronautics Board's Data Systems Management Division upon request.

(g) In column 4, carriers shall disclose the aircraft type used in accordance with standard abbreviations used for specific aircraft types as described in the CAB "Manual of ADP Instructions, Outputs, Codes."

(h) In column 5, "Interairport Distance," carriers shall report the great circle distance, in statute miles, as maintained and made available by the Civil Aeronautics Board's Schedules and Route Information Unit, Records Services Section (See Part 247 of the Economic Regulations).

(i) In column 6, "Revenue Aircraft Departures Performed," carriers shall report the number of revenue aircraft departures (take offs) performed (scheduled and extra sections).

(j) In columns 7 and 8, respectively, carriers shall report the actual number of First Class and Coach, "Seats Available" on the particular aircraft with which each flight stage is performed.

(k) In column 9, "Minutes (Ramp-to-Ramp)," carriers shall report the ramp-to-ramp minutes for each flight stage.

(l) In column 10, "Tons Available," carriers shall report in pounds the payload capacity actually provided by the particular aircraft with which each flight stage is performed.

(m) In columns 11 and 12, respectively, carriers shall report the number of First Class and Coach "Revenue Passengers Transported" on each flight stage.

(n) In column 13, "Revenue Tons Transported," carriers shall report the number of pounds of revenue traffic carried on each flight stage. Transported passengers should be included at a rate of 200 pounds per passenger.

(o) In columns 14 and 15, respectively, carriers shall report the number of First Class and Coach "Revenue Passengers Enplaned" at the take-off point.

(p) In column 16, "Revenue Cargo Tons Enplaned," carriers shall report the total of revenue cargo pounds boarding an aircraft.

Section 26—General Corporate Elements

17. Section 26, *General Corporate Elements* is amended by:

Schedule G-41 [Revoked]

A. Revoking the title and reporting instructions for Schedule G-42, *Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors.*

Schedule G-43 [Revoked]

B. Revoking the title and reporting instructions for Schedule G-43, *Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Earning $20,000 or More During the Calendar Year.*

Schedule G-44 [Revoked]

C. Revoking the title and reporting instructions for Schedule G-44, *Corporate and Securities Data.*

CAB Form 41 Schedule T-9 [Added] and Schedule P-1(a) [Amended]

18. Add new CAB Form 41 Schedule T-9 and modify Schedule P-1(a) as shown in Exhibits A and B attached.

(Sections 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324 and 1377.)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

NONSTOP MARKET REPORT

CARRIER NAME _____ DATE Y Y M M (1–4)

OPERATION _____

MONTH _____ CARRIER CODE _____ (5–9)

Exhibit A

LINE NUMBER	AIRPORT		AIRCRAFT TYPE	INTER-AIRPORT DISTANCE (501)	REVENUE AIRCRAFT DEPARTURES PERFORMED (510)	SEATS AVAILABLE		MINUTES (RAMP TO RAMP) (530)	TONS AVAILABLE (LBS.) (270)	REVENUE PASSENGERS TRANSPORTED		REVENUE TONS TRANSPORTED (LBS.) (250)	REVENUE PASSENGERS ENPLANED		REVENUE CARGO TONS ENPLANED (LBS.) (210)
	TAKEOFF	LANDING				FIRST CLASS (311)	COACH (312)			FIRST CLASS (131)	COACH (132)		FIRST CLASS (111)	COACH (112)	
1 (10-11)	2 (12-14)	3 (15-17)	4 (18-21)	5 (22-25)	6 (26-28)	7 (29-31)	8 (32-34)	9 (35-40)	10 (41-46)	11 (47-49)	12 (50-52)	13 (53-57)	14 (58-60)	15 (61-63)	16 (64-69)

SCHEDULE T-9

CAB FORM 41

Exhibit B

Air Carrier _____ Date Y Y M M

Month Ended _____ Carrier Code _____

INTERIM OPERATIONS REPORT

Financial

(1)	Total Operating Revenues	4999 _____
(2)	Total Operating Expenses	7199 _____
(3)	Operating Profit or Loss	7999 _____
(4)	Net Income	9899 _____
(5)	Passenger Revenues – Scheduled Service	3901 _____
(6)	Public Service Revenues (Subsidy)	4808 _____

Other

(7)	Number of Full-Time Employees	_____
(8)	Number of Part-Time Employees	_____

Schedule P–1(a)

CAB Form 41

[FR Doc. 80-21967 Filed 7-21-80; 8:45 am]
BILLING CODE 6320-01-C

14 CFR Part 385

[Reg. OR-170, Amdt. No. 102 to Part 385]

Delegations and Review of Action Under Delegation; Nonhearing Matters; Establishing Procedural Dates in Essential Air Service Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Associate Director, Subsidy Policy and Programs, and the Chief, Essential Air Services Division, Bureau of Domestic Aviation, the authority to set procedural dates in essential air service proceedings.

DATES: Adopted: July 17, 1980. Effective: July 17, 1980.

FOR FURTHER INFORMATION CONTACT: Patrick V. Murphy, Chief, Essential Air Services Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5408.

SUPPLEMENTARY INFORMATION: Section 419 of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978, directs the Board to seek replacements for carriers that wish to suspend, terminate, or reduce service below the level defined as essential for eligible points. In order to accomplish this task, we have developed procedures through which we can identify interested carriers, determine their fitness and reliability, and, if necessary, agree on a rate of compensation for the replacement service.

The procedures include a series of related events which the Board initiates by requesting service proposals from interested carriers. In some cases, the Chief of the Essential Air Services Division requests proposals under delegated authority. After the initial request for proposals, the staff handles the remainder of the procedures. For example, if we require additional information in order to evaluate a proposal, the staff contacts the pertinent carrier and requests the information. If a community requires additional time to submit its views on the merits of service proposals which have been submitted to the Board, the staff establishes a date to accommodate the community's needs.

In order to clarify the staff's authority to take these actions, we have decided to delegate authority to the Associate Director, Subsidy Policy and Programs, and the Chief, Essential Air Services Division, of the Bureau of Domestic Aviation, to set procedural dates in essential air service proceedings. This action will facilitate the process of securing replacement carriers to provide essential air service to eligible points.

Since this is a rule of agency procedure and practice, the Board finds that notice and comment are not necessary and that it may be effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. Subpart B of the Table of Contents is amended by adding a new section § 385.14, redesignating the present § 385.14 as § 385.14a, and redesignating the existing § 385.14a as § 385.14b so that it reads:

Subpart B—Delegation of Functions to Staff Members

Sec.

* * * * *

§ 385.14 Delegation to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation.

§ 385.14a Delegation to the Chief, Essential Air Services Division, Bureau of Domestic Aviation.

§ 385.14b Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

* * * * *

2. A new § 385.14 is added, to read:

§ 385.14 Delegation to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation.

The Board delegates to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation, the authority to establish procedural dates in essential air service proceedings.

3. The present § 385.14 is changed to § 385.14a and a new paragraph (c) is added to that section so that it reads:

§ 385.14a Delegation to the Chief, Essential Air Services Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Essential Air Services Division, Bureau of Domestic Aviation, the authority to:

(a) Renew, up to five times in succession, a Board order under section 419(a)(6) of the Act to an air carrier to continue providing essential air transportation while the Board attempts to find a replacement carrier.

(b) Request service and subsidy proposals from carriers interested in providing essential air transportation to an eligible point which is not receiving essential air service and for which no appeal of its essential air service determination is pending.

(c) Establish procedural dates in essential air service proceedings.

4. The present § 385.14a is changed to § 385.14b, to read:

§ 385.14b Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, the authority to:

(a) Send a statement under § 324.3 of this chapter, to an air carrier, disagreeing with its application for compensation for losses under section 419, and to arrange an informal conference under § 324.4 of this chapter for the purpose of resolving these disagreements.

(b) Issue final orders establishing temporry or final subsidy rates under section 406 or 419 or final adjustments of compensation for losses under section 419 in those cases where no objection has been filed to a show cause order, and where the rates established are the same as those proposed in the Board approved show cause order.

(c) Issue final orders amending the reporting requirement for distribution of reported services and financial data to selected categories for the semi-annual review of subsidy-eligible and subsidy-ineligible operations under the local service class subsidy rate.

(d) Issue final orders making ad hoc adjustments to individual carrier subsidy ceilings under the local service class subsidy rate for the addition, reinstatement, suspension, or deletion of subsidy-eligible communities to the carrier's route system.

(Secs. 204(a) and 419 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1732, 49 U.S.C. 1324, 1389; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-21996 Filed 7-21-80; 8:45 am]

BILLING CODE 6320-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System; Procurement of Spinning Solid Upper Stages

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule with comments limited to changed portions requested.

SUMMARY: NASA currently does not have a policy defining general guidelines for user procurement of Spinning Solid Upper Stages (SSUS). This policy

applies only to the procurement of those Spinning Solid Upper Stages developed under the provisions of commercial development agreements established between NASA and SSUS supplier(s). Because commercial source(s) of SSUS are available, it is NASA policy that users should procure from these source(s) without NASA involvement. However, NASA will, in certain limited circumstances, act as the procurement agent for SSUS users.

DATE: Comments solely concerned with the changes described under Supplementary Information must be received not later than August 21, 1980. Unless notice is published in the **Federal Register** indicating changes to be made, this amended portion shall take effect as final on the 60th day following this date of publication in the **Federal Register.**

ADDRESS: Comments may be made to the Office of Space Transportation Operations, NASA Headquarters, Washington, DC 20546 or delivered to Room 421, 600 Independence Avenue, Washington, DC between 8:00 a.m. and 4:30 p.m. Comments received may also be inspected at Room 421 between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Robert L. Haltermann, telephone (202) 755–2354.

SUPPLEMENTARY INFORMATION: On August 30, 1979, NASA published proposed rules (44 FR 50858) to define general guidelines for user procurement of Spinning Solid Upper Stages (SSUS). Interested parties were given until October 29, 1979, to submit comments or suggestions. No such comments or suggestions were received. However, in order to insure that the U.S. Government makes cost effective use of SSUS–A vehicles under government contract and is appropriately reimbursed for costs incurred in the monitoring of SSUS development and the investment in SSUS capabilities, NASA has modified § 1214.1002(b) to read, "Normally, users requiring a SSUS shall procure the SSUS hardware and related services from a SSUS supplier. However, in the case of SSUS–A, the user should contact NASA for the purpose of determining whether there are SSUS–A vehicles presently under contract which could be made available for the user's intended purpose. If so, the SSUS–A would be procured directly from NASA." and has added a new § 1214.1003(c) to read, "In addition to (a) and (b) above, SSUS users will reimburse NASA a share of the costs incurred by NASA for monitoring the commercial SSUS development and a share of the costs of NASA's investment in SSUS capabilities." Comments are invited concerning these changed portions only. With these two exceptions, the proposed rules are set forth below as final.

Robert A. Frosch,
Administrator.

PART 1214—SPACE TRANSPORTATION SYSTEM

1.14 CFR Part 1214 is amended by adding a new Subpart 1214.10 reading as follows:

Subpart 1214.10—Procurement of Spinning Solid Upper Stages

Sec.
1214.1000 Scope.
1214.1001 Definitions.
1214.1002 Procurement process.
1214.1003 Reimbursement procedures.

Authority: Sec. 203, Pub. L. 85–568, 72 Stat. 429, as amended (42 U.S.C. 2473).

Subpart 1214.10—Procurement of Spinning Solid Upper Stages

§ 1214.1000 Scope.

This Subpart 1214.10 sets forth the NASA policy on procurement of Spinning Solid Upper Stages (SSUS). It does not cover Shuttle launch services defined in Subpart 1214.1 and Subpart 1214.2.

§ 1214.1001 Definitions.

(a) *SSUS.* A generic acronym for a Spinning Solid Upper Stage developed commercially under NASA–SSUS supplier agreements to be used as a perigee stage for certain Shuttle payloads. This generic difinition encompasses upper stages for Delta-class (SSUS–D) and Atlas-Centaur-class (SSUS–A) payloads.

(b) *SSUS Supplier.* A commercial organization providing SSUS hardware and related services.

(c) *NASA–SSUS Supplier Agreement.* An agreement between NASA and a SSUS supplier delineating technical and operational requirements and financial conditions regarding the commercial development and supplying of SSUS and related services to a user.

(d) *SSUS Launch Site Services.* Those launch site services provided by NASA to the SSUS supplier for the SSUS suppliers use in preparing a SSUS as a part of a Shuttle Payload for a user.

§ 1214.1002 Procurement policy.

(a) NASA has entered into agreement(s) with commercial source(s) for the commercial development and supply of Spinning Solid Upper Stages (SSUS) for both Delta-class and Atlas-Centaur-class payloads. SSUS services, therefore, are available to the STS user community at large and their availability is not contingent upon, nor does it require, a NASA involvement for their procurement. Accordingly, NASA's general policy is not to act as a procuring agent for the user community, but to encourage the user community to procure required SSUS and related services from the commercial source(s).

(b) Normally, users requiring a SSUS shall procure the SSUS hardware and related services from a SSUS supplier. However, in the case of SSUS–A, the user should contact NASA for the purpose of determining whether there are SSUS–A vehicles presently under contract which could be made available for the user's intended purpose. If so, the SSUS–A would be procured directly from NASA.

(c) Within its discretion and capability, NASA will undertake SSUS procurement in circumstances where:

(1) NASA is acting upon the request of a U.S. Government user under the terms of an interagency agreement in behalf of the Federal Government, or

(2) A non-U.S. Government user does not have and cannot reasonably obtain the expertise needed to manage a SSUS procurement and requests NASA to perform this function as a procurement agent for the user, or

(3) A non-U.S. Government user does have or can reasonably obtain the expertise needed to manage a SSUS procurement but still explicitly requests and NASA agrees to perform this function as a procurement agent for the user.

(d) Users utilizing NASA as their procurement agent for SSUS procurement shall contract directly with NASA for such procurement services.

(e) All users shall enter into a Launch Service Agreement with NASA for SSUS launch site services.

(f) The United States shall not be liable for costs or damages directly or indirectly arising from a delayed mission, or an unsuccessful performance of the SSUS.

§ 1214.1003 Reimbursement procedure.

(a) Within the guidelines of the NASA–SSUS supplier agreements, a user procuring a SSUS from a SSUS supplier shall:

(1) Reimburse the SSUS supplier for the SSUS and related services.

(2) Reimburse NASA for all SSUS launch site services provided to the SSUS supplier.

(b) A user who has entered into a Launch Services Agreement with NASA which calls for NASA to act as a procurement agent for SSUS and related services shall reimburse NASA an amount which is the sum of:

(1) The contract price of the SSUS and related services.

(2) A fee for NASA activities associated with a SSUS procurement.

(3) The price for all NASA-provided SSUS launch site services.

(c) In addition to paragraphs (a) and (b) of this section, SSUS users will reimburse NASA a share of the costs incurred by NASA for monitoring the commercial SSUS development and a share of the costs of NASA's investment in SSUS capabilities.

[FR Doc. 80-21854 Filed 7-21-80; 8:45 am]
BILLING CODE 7510-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

Cross Reference: For a document issuing a final rule by the Drug Enforcement Administration regarding Control of Bulk Dextropropoxyphene (Non-Dosage Forms) in Schedule II as an Opiate, see FR Doc. 80-21514 appearing in the rules and Regulations section of this issue of the Federal Register.

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Control of Bulk Dextropropoxyphene (Nondosage Forms) in Schedule II as an Opiate

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued as a result of international treaty obligations and imposed Schedule II opiate controls over bulk dextropropoxyphene (non-dosage forms).

EFFECTIVE DATE: The effective date for the requirements imposed by this Order is September 22, 1980, unless otherwise set forth below.

FOR FURTHER INFORMATION CONTACT: William M. Lenck, Chief Counsel, Drug Enforcement Administration, telephone number (202) 633-1276.

SUPPLEMENTARY INFORMATION: On April 17, 1980, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs had decided that the drug dextropropoxyphene should be added to Schedule II of the Single Convention on Narcotic Drugs, 1961. (NAR/CL.3/1980, G/SO 421/11(1)). Therefore, under the provisions of section 201(d)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)(1)), the Attorney General is required to control dextropropoxyphene in the schedule deemed appropriate.

Article 29 paragraph 2(c) of the Single Convention requires that "licensed manufacturers of drugs obtain periodical permits specifying the kinds and amounts of drugs which they shall be entitled to manufacture. A periodical permit, however, need not be required for preparations." Pages 322 and 323 of the Commentary on the Single Convention on Narcotic Drugs, 1961 (prepared by the Secretary General of the United Nations in accordance with paragraph 1 of the Economic and Social Council resolution 914D (XXXIV) of August 3, 1962) make it very clear that the term "periodical permits" in Article 29 paragraph 2(c) means manufacturing quotas. Since the provisions of the controlled substances Act (21 U.S.C. 826) only provide for manufacturing quotas for Schedule I and II substances, and since dextropropoxyphene has a currently accepted medical use in treatment in the United States which precludes it being placed in Schedule I, the Drug Enforcement Administration has determined that dextropropoxyphene should be controlled as an opiate in Schedule II.

However, it should be noted that the notice from the Secretary General regarding the placing of dextropropoxyphene in Schedule II of the Single Convention does not require controls on dextropropoxyphene preparations, in addition to those required by Schedule IV of the CSA. Moreover, it should also be noted that the U.N. decision to place dextropropoxyphene in Schedule II of the Single Convention does not necessarily effect the prescription status of dextropropoxyphene in the United States since Article 2, Paragraph 2 of the Single Convention except Schedule II drugs from the prescription controls of Article 20, Paragraph 2, of the Convention.

Therefore, it is hereby determined that the appropriate method to control dextropropoxyphene at this time is to classify all bulk dextropropoxyphene (non-dosage forms) as opiates in Schedule II of the Controlled Substances Act.

Control Under Schedule II: Under the authority vested in the Attorney General by section 201(d)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)(1)) and Delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and in accordance with § 1308.49 of Title 21 of the Code of Federal Regulations, the Administrator hereby orders that: Section 1308.12(c) of Title 21 of the Code of Federal Regulations be amended as follows:

§ 1308.12 [Amended]

By renumbering § 1308.12(4) through (21) as (5) through (22) and the following new item (4) is added to read as follows:

§ 1308.12 Schedule II.

* * * * *

(c) *Opiates.* Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

* * * * *

(4) Bulk Dextropropoxyphene (non-dosage forms)—9273.

* * * * *

Control Under Schedule II for Quota Purposes: The scheduling of bulk dextropropoxyphene as an opiate in Schedule II makes applicable all of the regulatory provisions relative to quotas contained in 21 CFR 1303.01 through 1303.37.

However, in order to satisfy the treaty provision that Schedule II requirements be imposed when notice is "received" from the Commission on Narcotic Drugs, all persons desiring to manufacture bulk dextropropoxyphene during the calendar year 1981 must apply for an individual manufacturing quota by September 1, 1980 and comply with all provisions of 21 CFR 1303.22 applicable thereto. For subsequent calendar years, the normal May 1 filing date in 1303.22 will apply.

Similarly, persons seeking procurement quotas for bulk dextropropoxyphene pursuant to 21 CFR 1303.12 for the calendar year 1981 must apply for such quotas by September 1, 1980. For subsequent years the normal April 1 filing date in § 1303.12 will apply.

Subsequently, DEA intends by November 1, 1980 to publish notice of the proposed aggregate production quota for bulk dextropropoxyphene for the calendar year 1981.

Control Under Schedule II for Importation Purposes: The provisions of Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) only allow the importation of certain controlled substances including Schedule II substances "during an

emergency in which domestic supplies of the substance or drug are found by the Attorney General to be inadequate" (Section 1002(a)(2)(A)) or "in any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303" (Sec. 1002(a)(2)(B)). Since this final order classifies bulk dextropropoxyphene (non-dosage forms) as a narcotic drug in Schedule II, no import permits will be granted by DEA 180 days after the publication of this final order unless the required authority to import bulk dextropropoxyphene is obtained pursuant to Section 1002(a)(2)(A) or (B) and applicable regulations.

Control Under Schedule II for Exportation Purposes: Any person who intends to export bulk dextropropoxyphene (non-dosage forms) who is not registered to export Schedule II narcotic drugs must submit an application for registration to do so, pursuant to Sections 1311.21 and 1312.21 of Title 21, Code of Federal Regulations. All exportation of such bulk dextropropoxyphene shall be in compliance with 21 CFR 1312.23 which requires the registered exporter to obtain a permit from DEA for such exportation.

Collateral Controls: All of the other Schedule II controls contained in the Controlled Substances Act and applicable regulations related to penalties, registration, recordkeeping, inventories, labeling, security requirements and order forms, shall apply to bulk dextropropoxyphene (non-dosage forms). Requests for extensions of time for meeting security and labeling requirements will be considered on a case-by-case basis.

Related Matter: In a related matter concerning dextropropoxyphene, the Drug Enforcement Administration has finalized an order to classify dextropropoxyphene as a narcotic drug in Schedule IV of the CSA. This resulted in changes under the CSA related to narcotic treatment programs, export permits, importation restrictions, recordkeeping, and reporting requirements. (See **Federal Register** proposal of January 21, 1980, 45 FR 3923, and Final Order of June 24, 1980, 45 FR 42264). This classification resulted from the scientific and medical evaluation and recommendation of the Assistant Secretary of Health, Department of Health, Education, and Welfare (HEW), now the Department of Health and Human Services (HHS), that dextropropoxyphene should be classified as a narcotic drug in Schedule IV of the CSA. Since this recommendation of HEW was received by DEA before the U.N. moved to place dextropropoxyphene under Schedule II of the Single Convention, DEA has requested another recommendation from HHS relative to whether the dosage forms of dextropropoxyphene containing no other active ingredients (not preparations) should be classified as narcotics in Schedule II of the CSA or as narcotics in Schedule IV of the CSA. Until such a recommendation is received from HHS, all dosage forms of dextropropoxyphene will remain in Schedule IV in the CSA.

Dated: July 14, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-21514 Filed 7-21-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7707]

Income Tax; Taxable Years Beginning After December 31, 1953; Income of Foreign Governments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the taxation of income of foreign governments. These regulations provide guidance for taxing foreign sovereigns on their income from commercial activities within the United States.

EFFECTIVE DATE: The regulations are generally effective for income of a foreign government from commercial activities within the United States derived after July 22, 1980.

FOR FURTHER INFORMATION CONTACT: Donald K. Duffy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (LR-106-75), 202-566-4336.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 1978, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 892 of the Internal Revenue Code of 1954 (43 FR 36111). The amendments were proposed to clarify existing regulations which neither define the term "foreign government" nor establish the types of income excluded from gross income and exempted from taxation. The proposed amendments define a foreign government to include only integral parts and controlled entities of a foreign sovereign. The proposed amendments generally provide that income derived by a foreign government from commercial activities in the United States is not income of a foreign government for purposes of the exemption under section 892.

The proposed amendments in effect provide that if a foreign sovereign separately owns and controls an entity which is not an integral part and which does not constitute a "controlled entity", such an entity is taxed on all of its commercial and noncommercial income under appropriate Internal Revenue Code provisions. The amendments define the term "controlled entity", and in most respects the definition parallels the requirements of Rev. Rul. 75-298, 1975-2 C. B. 290, relating to certain organizations created by foreign governments that are eligible for the section 892 exemption.

The **Federal Register** published a notice of a public hearing on November 6, 1978 (43 FR 51648). The hearing was held on January 23, 1979.

After consideration of all relevant matters presented by interested persons regarding the proposed amendments, they are adopted as revised by this Treasury decision.

This document also reserves paragraph (c)(2)(i)(*d*) and (*e*) of § 1.892-1. These paragraphs will provide rules for determining whether loans or net leases are to be considered investments. A notice of proposed rulemaking is being published contemporaneously with this Treasury decision setting forth those rules.

Distinction Between Integral Parts and Separate Entities

Comments from the public questioned whether it was appropriate to draw a distinction between integral parts and separate entities of a foreign sovereign under § 1.892-1(b) for purposes of the definition of the term "foreign government". Section 1.892-1(b) is revised in the final regulations. The revision places less emphasis on both the form of the entity that exercises foreign governmental authority and the extent of its commercial activity in the United States.

Pension Plans

One comment suggested clarification of the treatment of pension plans for employees of a foreign government.

Final regulations adopt this suggestion and § 1.892–1(b)(4) provides that certain pension plans qualify for the section 892 exemption even though plan assets are segregated in a separate fund or trust.

Effective Date

Several comments suggested that the effective date be completely prospective. Final regulations adopt this suggestion but also provide retroactivity in cases where no adverse tax consequences arise. Rev. Rul. 75–298 will not apply if these regulations apply.

Commercial Activities

The definition of the term "commercial activities" has been revised. The proposed regulations provide that obtaining and holding net leases on property is a commercial activity. This proposed rule with respect to net leases on real property is withdrawn. A further notice of proposed rulemaking relating to these leases is being published contemporaneously with this Treasury decision.

The final regulations rely generally on the character of an activity, rather than on whether or not the income from the activity is effectively connected with the conduct of a trade or business in the United States, in determining that a particular activity is a commercial activity.

Drafting Information

The principal author of these regulations is Jason R. Felton of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations in matters of both substance and style.

Adoption of Amendments to the Regulations

After consideration of all relevant matters presented by interested persons regarding the proposed amendments to the regulations under section 892, the following amendments are hereby adopted:

Paragraph 1. Section 1.892–1 is amended as follows:

1. The title to § 1.892–1 is revised.

2. Paragraph (a) is deleted and in lieu thereof new paragraphs (a) through (h) are added.

3. Paragraphs (b) (1) and (2) are redesignated as paragraphs (a) and (b), respectively, of a new § 1.892–2. The amended § 1.892–1 and new § 1.892–2 read as follows:

§ 1.892–1 Income of foreign governments.

(a) *Manner of taxing*—(1) *In general.* Section 892 provides, in general, that the income of a foreign government from sources within the United States is excluded from gross income and exempt from taxation. Paragraph (b) of this section defines a foreign government. In particular it describes the extent to which either an integral part of a foreign sovereign or an entity created by a foreign sovereign will be treated as a foreign government for purposes of section 892. To the extent that income is derived by such an integral part or entity of a foreign sovereign which does not qualify as a foreign government as defined in paragraph (b) of this section, the income is subject to taxation in accordance with appropriate Internal Revenue Code provisions.

(2) *Foreign government exemption.* The income derived by an integral part or controlled entity of a foreign sovereign from investments in the United States in stocks, bonds, or other securities, owned by such integral part or controlled entity, or from interest on deposits in banks of moneys belonging to such integral part or controlled entity, or from any other investment source within the United States, is generally treated as income of a foreign government, which is not included in gross income and is exempt from taxation.

(3) *Foreign government exemption not available.* (i) Income derived by an integral part or controlled entity of a foreign sovereign from commercial activities in the United States is not income of a foreign government for purposes of the exemption from taxation provided in section 892. These amounts are included in income and taxed under appropriate Internal Revenue Code provisions.

(ii) Income derived by an entity created by a foreign sovereign that does not qualify as a controlled entity of the foreign sovereign under paragraph (b)(3) of this section is included in the gross income of the entity and taxed under appropriate Internal Revenue Code provisions.

(b) *Foreign government defined*—(1) *Classes of a foreign government.* For purposes of this section, a foreign government consists only of integral parts or controlled entities of a foreign sovereign to the extent not engaged in commercial activities in the United States.

(2) *Integral part.* An integral part of a foreign sovereign is any person, body of persons, organization, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a foreign country. The net earnings of the governing authority must be credited to its own account or to other accounts of the foreign sovereign, with no portion inuring to the benefit of any private person. It does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.

(3) *Controlled entity.* An entity which is separate in form from a foreign sovereign or otherwise constitutes a separate juridical entity is a controlled entity if it satisfies the following requirements:

(i) It is wholly owned and controlled by a foreign sovereign directly or indirectly through one or more controlled entities;

(ii) It is organized under the laws of the foreign sovereign by which owned;

(iii) Its net earnings are credited to its own account or to other accounts of the foreign sovereign, with no portion of its income inuring to the benefit of any private person; and

(iv) Its assets vest in the foreign sovereign upon dissolution.

The term "controlled entity" does not include any entity owned and controlled by more than one foreign sovereign. Thus, a foreign financial organization organized and wholly owned and controlled by several foreign sovereigns to foster economic, financial, and technical cooperation between various foreign nations is not a controlled entity for purposes of this section.

(4) *Pension trust.* A pension trust established exclusively for employees, or former employees, of a foreign government is a controlled entity if it meets the following requirements:

(i) The funds that comprise the trust are managed by trustees who are employees of, or persons appointed by the foreign government; and

(ii) The trust forming a part of the pension plan provides for definitely determinable benefits (defined benefit plan) so that it may be concluded that the income of the trust satisifies the obligations of the foreign government to participants under the plan, rather than inuring to the benefit of a private person.

(5) *Political subdivision and transnational entity.* The rules that apply to a foreign sovereign apply to political subdivisions of a foreign country and to transnational entities. A transnational entity is an organization created by more than one foreign sovereign that has broad powers over external and domestic affairs of all participating foreign countries stretching

beyond economic subjects to those concerning legal relations and transcending state or political boundaries.

(c) *Characterization of activities*—(1) *Commercial activities.* Except as provided in paragraph (c)(2) of this section, all activities conducted in the United States which are ordinarily conducted with a view towards the current of future production of income (whether or not such income is from sources within the United States) are commercial activities. For example, leases on real or personal property, other than holding leases described in paragraph (c)(2)(i) of this section, is a commercial activity.

(2) *Activities that are not commercial.*

(i) *Investments.* Investments in the United States in stocks (whether or not a controlling interest investment), bonds, or other securities, loans, net leases on real property, land which is not producing income (other than on its sale or from an investment in net leases on real property), or the holding of deposits in banks are not commercial activities. consideration of all of the facts and circumstances will determine whether an activity with respect to property described in this paragraph (c)(2)(i) constitutes an investment. The following principles apply in making such a determination;

(*a*) An activity undertaken as a dealer will not be an investment for purposes of this paragraph (c)(2)(i).

(*b*) An activity will not cease to be an investment solely because of the volume of transactions of that activity or because of other unrelated activities.

(*c*) Except in the case of holding stock, an activity will not be an investment merely because the income derived from the activity is not effectively connected with the conduct of a trade or business in the United States. For example, a loan made by a bank, loan company, or similar financial business (open in the United States to the general public) does not constitute an investment.

(*d*) [Reserved—Rules for loans]

(*e*) [Reserved—Rules for net leases on real property]

(ii) *Cultural events.* Performances and exhibitions within the United States of amateur athletic events and events devoted to the promotion of the arts by cultural organizations are not commercial activities.

(iii) *Purchasing.* The mere purchase of goods in the United States for use of the foreign sovereign is not a commercial activity.

(iv) *Activities other than trade or business.* For purposes of this paragraph, a particular activity in the United States that does not constitute the conduct of a trade or business in the United States under section 864(b) will be deemed not to be a commercial activity. This paragraph (c)(2)(iv) does not apply if the activity in any year or period constitutes the conduct of a trade or business in the United States under section 864(b). This paragraph (c)(2)(iv) also does not apply to activities involving real property and leases of personal property.

(v) *Not for profit.* Activities that are not customarily attributable to or carried on by private enterprise for profit in the United States are not commercial activities. The fact that in some instances, Federal, State, or local governments of the United States also are engaged in the same or similar activity does not mean that the activity is one described in this paragraph (c)(2)(v). For example, even though the United States Government is engaged in the activity of operating a railroad, operating a railroad is not an activity described in this paragraph (c)(2)(v).

(d) *Other operative sections.* In determining whether income is from sources within or without the United States, see sections 861 through 863 and the regulations thereunder. For purposes of determining whether income is effectively connected with a trade or business, see section 864(c) and the regulations thereunder. For rules with respect to withholding of tax at source, see sections 1441 and 1442 and the regulations thereunder. For rules with respect to methods of accounting and accounting periods, see sections 446 and 441, respectively, and the regulations thereunder.

(e) *Filing of returns.* A return with respect to income taxes under subtitle A shall be made by a foreign sovereign, controlled entity, political subdivision, or a transnational entity with respect to certain amounts included in gross income. See section 6012.

(f) *Relationship of section 892 to certain Code sections*—(1) *Section 893.* The term "foreign government" referred to in section 893 (relating to the exemption for compensation of employees of foreign governments) has the same meaning as given such term in paragraph (b) of this section.

(2) *Section 895.* A foreign central bank of issue (as defined in § 1.895–1(b)) that fails to qualify for the exemption from tax provided be this section may nevertheless by exempt from tax on the items of income described in section 895. Thus, a foreign central bank of issue that is not wholly owned and controlled by a foreign sovereign, although not qualifying for exemption lunder this section, may be exempt under section 895 on the items of income enumerated in that section.

(3) *Section 883(b).* Section 892 and this section do not limit the exemption provided under section 883(b), relating generally to the exemption of earnings derived by foreign participants from the ownership or operation of communications satellite systems.

(4) *Section 1442.* No withholding is required under sections 1441 and 1442 in the case of income exempt from taxation and not included in gross income under paragraph (a)(2) of this section.

(g) *Illustrations.* This section may be illustrated by the following examples:

Example (1). For 1981, the Office of the President of a foreign country makes investments of funds from the foreign sovereign's treasury in publicly traded stocks, bonds, and other securities, and interest bearing bank deposits. The Office of the President has also purchased in 1981 a hotel in the United States which is operated by a U.S. agent. None of the income from all of these activities inures to the benefit of the President (or any other official of the foreign country) in a private or personal capacity. The sovereign's investment activities do not constitute commercial activities under paragraph (c) of this section because the foreign sovereign has made investments in property described in paragraph (c)(2)(i) of this section. Income from these investments is exempt under paragraph (a)(2) of this section. Income derived from the operation of the hotel is subject to tax since the Office of the President is engaged in commercial activities in the United States by reason of its hotel operations and hence the income therefrom is not income of a foreign government under paragraph (a)(3)(i) of this section. By reason of section 864(c)(3) and § 1.864–4 (b), this income is effectively connected for 1981 with the conduct of a trade or business within the United States by the Office of the President and is taxed under section 882.

Example (2). Pursuant to a general agreement on contracts, exchanges, and cooperation between the United States and a foreign country, the State Concert Bureau, a bureau of a foreign sovereign, entered into four separate contracts to be performed in 1981 with a U.S. corporation engaged in the business of promoting international cultural programs. Under the first contract, the State Concert Bureau agreed to send a singer and accompanists on tour for 3 weeks in the United States. Under the second contract, the Bureau agreed to send a conductor on tour for 4 weeks in the United States. Under the third contract, the Bureau agreed to send the State ensemble of folk dance on tour for 5 weeks in the United States. Under the fourth contract, the Bureau agreed to send the State ballet and opera troupe on tour for 6 weeks in the United States. The State Concert Bureau received approximately $80,000 from the performances and from the sale of programs from the tours. This income is exempt from taxation under paragraph (a)(2) of this section since the activities of the Bureau are not commercial activities under paragraph

(c)(2)(ii) of this section. Although the performances themselves do not constitute commercial activities, they do constitute the conduct of a trade or business in the United States. As a result, income derived by the State Concert Bureau from sources within the United States from the tour groups' United States radio or television appearances, or from motion picture productions or record and tape recordings of United States performances does not qualify for the exclusion from commercial activities contained in paragraph (c)(2) of this section.

Example (3). In 1981, the Ministry of Culture of foreign country X enters into certain agreements with a U.S. corporation for the television broadcast in the United States of performances by the State ballet troupe during 1981. These performances occur in foreign country X. During 1981, the Ministry of Culture receives $300,000 in royalties and other fees under the terms of the agreement. Since the performances take place outside the United States, and since the activities are not commercial activities under paragraph (c)(2)(iv) of this section, the income from the performances is income of a foreign government and is exempt from taxation under paragraph (a)(2) of this section.

Example (4). (a) In 1981, foreign sovereign Y organizes under its law M Corp. as a wholly owned and controlled government corporation under the auspices of the Ministry of Industry and Tourism. M Corp. engages in the purchasing in the United States of grain and other agricultural goods for free distribution to the poor in country Y. In addition, when purchases of grain exceed demand in foreign country Y (which rarely occurs), M Corp. engages in the sale of grain in the United States. M Corp. also engages in the trading of commodities futures (not for its own account) through a resident broker. Foreign sovereign Y and M Corp. do not have an office or other fixed place of business in the United States through which or by the direction of which the transactions in commodities futures are effected. The purchasing and trading activities of M Corp. are not commercial activities under paragraph (c) of this section. M Corp. is a controlled entity under paragraph (b)(3) of this section. Income from these activities derived by M Corp. from sources within the United States is exempt from taxation under paragraph (a)(2) of this section. However, income derived by M Corp. from the sale of grain in the United States is a commercial activity under paragraph (c) of this section unless M Corp. is not engaged in a trade or business in the United States with respect to its sales activities (paragraph (c)(2)(iv) of this section).

(b) The facts are the same as in example (4)(a), except that in 1982, M Corp. opens an office in Washington, D.C., through which transactions of trading in commodities futures in the United States are effected. These activities are commercial activities under paragraph (c)(1) of this section since M Corp. is now considered to be engaged in a trade or business in the United States under section 864. Thus, paragraph (c)(2)(iv) of this section does not apply. Income from these trading activities is not income of a foreign government under paragraph (a)(3)(i) of this section.

(h) *Effective date.* This section applies to income derived by a foreign sovereign after July 22, 1980, unless the sovereign elects to have it apply to income derived before that date.

§ 1.892-2 Income of international organizations.

(a) *Exempt from tax.* * * *

(b) *Income received prior to Presidential designation.* * * *

* * * * *

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: July 2, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-21938 Filed 7-17-80; 3:51 pm]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Proportionate Reduction in Monthly Training Assistance Allowance Less Than 120 Hours

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These regulations allow certain hours of related training taken by an eligible veteran in an apprenticeship and other on-the-job training to count toward the 120 hours he or she must work in order to receive the full monthly training allowance. In the past no related training could be counted. The amended regulations allow those hours of related training which most closely approximate hours of training worked to count toward helping a veteran receive the full monthly training allowance.

EFFECTIVE DATE: July 11, 1980.

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

SUPPLEMENTARY INFORMATION: On pages 18989-18990 of the **Federal Register** of March 24, 1960, there was published proposed amendments to §§ 21.4136 and 21. 4137, Title 38, Code of Federal Regulations.

Interested persons were given 30 days to submit comments, suggestions or objections. We received no comments, suggestions or objections. The proposed amendments to §§ 21.4136 and 21.4137 are adopted without change. The final amendments are set forth below.

Approved: July 11, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 21.4136, paragraph (i) is revised to read as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

* * * * *

(i) *Proportionate reduction in monthly training assistance allowance less than 120 hours*—(1) *Reduced training allowance.* For any month in which an eligible veteran pursuing an apprenticeship or on-job training program fails to complete 120 hours of training the Veterans Administration shall reduce the rate specified in paragraph (a) of this section proportionally. In this computation the Veterans Administration shall round the number of hours worked to the nearest multiple of eight.

(2) *Definition of "hours worked."* For the purpose of this paragraph "hours worked" include only—

(i) The training hours the veteran worked, and

(ii) All hours of the veteran's related training which occurred during the standard workweek and for which the veteran received wages. (See footnote 5 to § 21.4270(b) as to the requirements for full-time training.) (38 U.S.C. 1787(b)(3))

* * * * *

2. In § 21.4137, paragraph (f) is revised to read as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. chapter 35.

* * * * *

(f) *Proportionate reduction in monthly training assistance allowance less than 120 hours*—(1) *Reduced training allowance.* For any month in which an eligible person pursuing an apprenticeship or on-job training program fails to complete 120 hours of training the Veterans Administration shall reduce the rate specified in paragraph (a) of this section proportionally. In this computation the Veterans Administration shall round the number of hours worked to the nearest multiple of eight.

(2) *Definition of "hours worked."* For the purpose of this paragraph "hours worked" include only—

(i) The training hours the eligible person worked, and

(ii) All hours of the eligible person's related training which occurred during the standard workweek and for which

the eligible person received wages. (See footnote 5 to § 21.4270(b) as to the requirements for full-time training.) (38 U.S.C. 1787(b)(3))

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[FR Doc. 80-21899 Filed 7-21-80; 8:45 am]
BILLING CODE 8320-01-M

38 CFR Part 21

Veterans Education; Paying Educational Assistance During Intervals Between Terms

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: These regulations state more fully than previously the conditions which must exist before a veteran or eligible person can be paid educational assistance during an interval between terms, quarters and semesters. They also liberalize some of the payment procedures. The statement of current Veterans Administration policy in the regulation will better inform the general public as well as veterans and other eligible persons as to how these decisions will be made.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 67181 and 67182 of the **Federal Register** of November 23, 1979, there was published a notice of intent to amend part 21 to state more fully the conditions which must exist before a veteran or eligible person can be paid educational assistance during an interval between terms, quarters and semesters.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposal. The Veterans Administration received three letters containing comments and suggestions.

One person stated that the regulation did not clearly indicate whether a person who remains in the same educational institution from one term to the next will receive a payment for the interval if he or she changes programs of education. The Veterans Administration wishes to treat all persons alike if they remain at the same educational institution regardless of whether they change their programs of education. Consequently, the Veterans Administration believes that it would be superfluous to have two subparagraphs, one describing payment conditions for those who remain in the same educational institution and the same program of education, and one describing payment conditions for those who remain in the same educational institution while changing programs of education. Consequently, this suggestion has not been adopted.

Three persons commented that not paying educational assistance for intervals of more than 30 days between terms, quarters or semesters and a summer term or summer session is unfair. One person suggested substituting one full calendar month for 30 days. One person suggested substituting one full calendar month for 30 days when the veteran or eligible person attends for the entire summer term, but retaining 30 days if the veteran does not attend all the summer sessions within a summer term. The third commenter did not state the number of days he would prefer.

After carefully considering the proposed alternatives, the Veterans Administration has decided that neither should be adopted. If the first alternative were adopted, and a veteran attended an educational institution where the spring semester ended in the beginning of June while the fall semester began at the end of August, he or she could assure payment for a full summer by attending a short summer session of a few days during July. The Veterans Administration does not think this is equitable.

The second alternative would eliminate this problem but would cause other problems. In determining whether a veteran would be entitled to a payment between the spring semester or quarter and the summer term, the Veterans Administration either would have to wait until the end of the summer term to make certain the veteran attended all the summer sessions in the summer term; or the agency could pay the veteran for the interval at the start of the summer but if the veteran had to skip a summer session due to unforeseen circumstances, his or her interval payment might have to be retroactively eliminated causing an overpayment in his or her account. The former action would negate the purpose of an interval payment. The latter might cause the veteran unnecessary hardship.

One commenter stated the regulation showed no concern for the individual veteran, because he thought a veteran who, for example was taking nine credit hours in the daytime in a term that ended on December 20, and three credit hours in a term that ended December 21 would be denied an interval payment even though the following term began in January. He reasoned that since the veteran would be attending one-quarter time on December 21 he or she would not be eligible for payment during the interval.

It is the Veterans Administration's intent that § 21.4138(f)(7) would allow interval payment in this instance. Since apparently it is not clear that it does so, the Veterans Administration has rewritten it.

The proposed changes to §§ 21.4138 and 21.4200 are deemed proper and are hereby approved.

Approved: July 11, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 21.4138(f), subparagraphs (2) and (3) are revised and subparagraphs (4), (5), (6) and (7) are added so that the added and revised material reads as follows:

§ 21.4138 Certifications and release of payments.

* * * * *

(f) *Payment for intervals between terms.* * * *

(2) Except as provided in this subparagraph and paragraph (f)(6) of this section, payments will be made for intervals between consecutive terms, quarters or semesters where the veteran or other eligible person transfers from one approved educational institution for the purpose of enrolling in and pursuing a similar course at the second institution, if the interval does not exceed 30 days. The days for which such a payment is made will count as absences for the purposes of § 21.4205. If the transfer is made to another school and the program in which the student enrolls at the second institution is different from that he or she was pursuing at the first school no payment may be made for the interval.

(3) Except as provided in paragraph (f)(6) of this section, payments will be made for periods between semesters or quarters as defined by § 21.4200(b), and between semesters or quarters and a term (other than a summer term), if the veteran or eligible person remains at the same educational institution and the interval does not exceed 1 full calendar month. The days for which payment is made will count as absences for the purposes of § 21.4205.

(4) Except as provided in paragraph (f)(6) of this section, payments will be made for periods between consecutive terms other than quarters or semesters as defined in § 21.4200(b), but not between terms and summer terms, if the veteran or eligible person remains at the

same educational institution and the interval does not exceed 1 full calendar month. The days for which payment is made will count as absences for the purposes of § 21.4205.

(5) Except as provided in paragraph (f)(6) of this section, payments will be made for intervals between terms, quarters or semesters and a summer term or summer session, and for intervals between summer sessions within a summer term, where the veteran or other eligible person remains enrolled in the same school, if the interval does not exceed 30 days. The days for which such a payment is made shall count as absences for the purposes of § 21.4205.

(6) No payment will be made for the intervals described in paragraph (f) (2), (3), (4) and (5) of this section if:

(i) The student is training at less than the half-time rate on the last date of his or her training during the term, quarter, semester or summer term preceding the interval;

(ii) The student is on active duty;

(iii) The student requests, prior to authorization of an award or prior to negotiating the check, that no benefits be paid for the interval period;

(iv) The student will exhaust his or her entitlement by receipt of such payment, and it is to the advantage of the individual not to receive payment;

(v) The interval occurs between school years at a school which is not organized on a term, quarter or semester basis; or

(vi) The veteran or eligible person withdraws from all his or her courses in the term, quarter, semester or summer session preceding the interval, or discontinues training before the scheduled start of an interval in a school not organized on a term, quarter, or semester basis. (38 U.S.C. 1780)

(7) If a veteran is enrolled in overlapping enrollment periods whether before or after an interval (either at the same or different schools), the Veterans Administration will determine whether the veteran or eligible person is entitled to a payment during an interval as follows:

(i) The Veterans will treat the ending date of each enrollment period as though it were the veteran's or eligible person's last date of training before the interval.

(ii) The Veterans Administration will treat the beginning date of each enrollment period as though it were the veteran's or eligible person's first date of training after the interval.

(iii) The Veterans Administration will examine the interval payment which would be made to the veteran or eligible person on the basis of the various combinations of beginning and ending dates. The ending date and beginning date of the enrollment periods which will result in payment for the interval at the highest rate will be chosen as the start and finish of the interval for Veterans Administration measurement purposes.

(iv) Payment for the interval will be made at the rate determined in paragraph (f)(7)(iii). The Veterans Administration shall not reduce the rate as the result of training the veteran or eligible person may take during the interval, but it shall increase the rate if warranted by such training. (38 U.S.C. 1780(a)).

2. In § 21.4200 paragraph (b)(5) is revised and paragraph (b)(6) is added so that the added and revised material reads as follows:

§ 21.4200 Definitions.

* * * * *

(b) *Divisions of the school year.* * * *

(5) "Summer term", the whole of the period of instruction at a school which takes place between ordinary school years. A summer term may be divided into several summer sessions. (38 U.S.C. 1780(a))

(6) "Summer session", any division of a summer term. (38 U.S.C. 1780(a))

* * * * *

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

[FR Doc. 80-21900 Filed 7-21-80; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1540-3]

Approval and Promulgation of Implementation Plans; Receipt of Supplementary Information for Texas Implementation Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt.

SUMMARY: The State of Texas was required by EPA to submit additional information by March 30, 1980 to satisfy the conditions of approval of the Texas State Implementation Plan as stipulated in the Texas notice of final rulemaking. The State was also given an interim deadline of March 3, 1980 to submit additional information to satisfy condition of approval of the Texas SIP. The State has complied with this requirement and its submissions are presently being reviewed by the EPA.

ADDRESSES: Copies of the Texas supplemental information are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street, S.W., Washington, D.C. 20460.

Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2734.

SUPPLEMENTARY INFORMATION: This is a notice of receipt of supplemental information requested from the State of Texas as required by the notice of final rulemaking published in the **Federal Register** on March 25, 1980, (45 FR 19232). Elsewhere in the same **Federal Register**, March 25, 1980 (45 FR 19278) the interim deadline of March 3, 1980 was proposed for the submittal of a draft SIP TSP Control strategy. Although public comment was solicited on the deadline, and the deadline could be changed in light of comment, the State remained bound by its commitment to meet the proposed deadline, unless it was changed. The Texas submittals are as follows:

The State has submitted copies of compliance schedules for can coating sources which have requested an extension beyond December 31, 1982, along with their justifications for the extension, for EPA's approval.

The State has submitted copies of compliance schedules for sources previously exempt from Regulation V and now required to comply, as specified under Subchapter 131.07.62.

The State has submitted a draft SIP TSP control strategy.

The conditional approval of the State Implementation Plan (SIP) will be continued until final action on the State's submittals are published in the **Federal Register.**

This notice is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410(a).

Dated: July 2, 1980.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 80-21956 Filed 7-21-80; 8:45 am]
BILLING CODE 6560-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7

[AIDPR Notice 80-1]

Miscellaneous Revisions to the AID Procurement Regulations

Correction

In FR Doc. 80-19664, appearing on page 44275, in the issue of Tuesday, July 1, 1980, make the following correction.

On page 44281, second column, the second line of § 7-7.5401-34, the word "Temporary" was misspelled.

On page 44283, first column, § 7-50.202, delete the "95" appearing before paragraphs "(a)" and "(c)", and redesignate paragraphs "(c)" as "(b)", and paragraph "(d)" as "(c)".

BILLING CODE 1505-1-M

41 CFR Parts 7-6 and 7-7

[AIDPR Notice 80-2]

National Eligibility Policy for the Suppliers of Goods and Services Under AID—Direct Contracts

Correction

In FR Doc. 80-19852, appearing on page 44283, in the issue of Tuesday, July 1, 1980 make the following correction.

On page 44283, third column, the section number reading "§ 6.5102" should have read "§ 7-6.5102".

BILLING CODE 1505-1-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5854]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
North Dakota..	Pembina.....	City of Neche	July 16, 1980.

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

Issued: July 10, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80-21908 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Aurora, Colo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H and I 080002 Panels 0015A and 0020A, published on October 23, 1979, in 44 FR 61024, indicates that Lots 7 and 9, Block 4, Brookvale Subdivision, Filing Number 1; and Lots 5 through 7, Block 6; and Lots 4, 5, 26, and 27, Block 11, Brookvale Subdivision, Filing Number 2, Aurora, Colorado, recorded as Reception Number 1726522, Book 34, Pages 20 and 21; and Reception Number 1754661, Book 35, Pages 15 and 16, respectively, in the Office of the Recorder, Arapahoe County, Colorado, are within the Special Flood Hazard Area.

Map No. H and I 080002 Panels 0015A and 0020A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 1, 1978. These lots are in Zone C.

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

Issued: June 16, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21868 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Aurora, Colo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 32494, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 707. [Amended]

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

Map No. H & I 080002 Panels 0015A and 0020A, published on October 23, 1979, in 44 FR 61024, indicates that Lots 8 and 10 through 13, Block 4, Brookvale Subdivision, Filing Number 1; and Lots 4 through 6, Block 4; Lots 1 through 5, Block 5; Lots 14 through 20 and 22, Block 6; Lots 17 through 19, Block 7; Lot 19, Block 10; Lots 3, 6 through 20, and 23 through 25, Block 11; and Lots 13 through 23, Block 12, Brookvale Subdivision, Filing Number 2, Aurora, Colorado, recorded as Reception Number 1726522, Book 34, Pages 20 and 21; and Reception Number 1754661, Book 35, Pages 15 and 16, respectively, in the Office of the Recorder, Arapahoe County, Colorado, are partially or totally within the Special Flood Hazard Area.

Map No. H & I 080002 Panels 0015A and 0020A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 1, 1978. These lots are in Zone C.

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

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21867 Filed 7-21-80; 8:45 am]

BILLING CODE 6718—03—M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Dade County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be

obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 70.7 [Amended]

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

Map No. H & I 125098 Panel 0275C, published on October 23, 1979, in 44 FR 61014, indicates that the property consisting of Lots 19 and 20, Southern Gardens First Addition, Dade County, Florida, as recorded in the Deed, Official Records Book 6001, Page 172, in the Office of the Clerk of the Circuit Court of Dade County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 125098 Panel 0275C is hereby corrected to reflect that the existing structure on the above-mentioned property is not within the Special Flood Hazard Area identified on September 30, 1972. This lot is in Zone C.

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

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21866 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for County of Cobb, Ga., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 130052, Panel 0075, published on October 23, 1979 in 44 FR 61015, indicates that Lot 33, Unit Two of the Brownmoore Manor Subdivision Plat, as recorded in Plat Book 31, Page 78, in the Office of Records of Cobb County, Georgia, is within the Special Flood Hazard Area.

Map No. H & I 130052, Panel 0075, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on January 3, 1979. This lot is in Zone C.

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

Issued: July 2, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21865 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Hawaii County, Hawaii, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 155166A Panel 08, published on October 23, 1979, in 44 FR 61026, indicates that 45 Makalani Street, Hawaii County, Hawaii, recorded as Parcel 101 on Tax Map Identified by Tax Key Third Division, Zone 2, Section 5, Plat 21, in the Department of Taxation, Taxation Maps Bureau, Territory of Hawaii, is within the Special Flood Hazard Area.

Map No. H & I 155166A Panel 08 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on July 1, 1974. This property is in Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21864 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Leavenworth, Kans., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 200190A Panel 04, published on October 23, 1979, in 44 FR 61023, indicates that Lot 5, Josela Subdivision, Leavenworth, Kansas, as recorded in Book 10, Page 5, in the Office of the Register of Deeds, Leavenworth County, Kansas, is partially within the Special Flood Hazard Area.

Map No. H & I 200190A Panel 04 is hereby corrected to reflect that the existing structure for the above mentioned property is not within the Special Flood Hazard Area identified on January 5, 1978. This structure is in Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21863 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Unincorporated Area of Washington County, Md., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. 240070, Panel No. 0085A, published on October 23, 1979, in 44 FR 61010, indicates that Lot No. 27, Section B, Spring Valley Wooded Estates, Unincorporated Area of Washington County, Maryland, as recorded in Liber 572, Page 572, in the Office of the Clerk of the Circuit Court of Washington County, Maryland, is located within the Special Flood Hazard Area.

Map No. 240070, Panel No. 0085A, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on May 1, 1978. The structure is in Zone B.

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

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21861 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Unincorporated Area of Washington County, Md., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. 240070, Panel No. 0085A, published on October 23, 1979, in 44 FR 61010, indicates that Lot No. 31, Section B, Spring Valley Wooded Estates, Unincorporated Area of Washington County, Maryland, as recorded in Liber 636, Page 590, in the Office of the Clerk of the Circuit Court of Washington County, Maryland, is located within the Special Flood Hazard Area.

Map No. 240070, Panel No. 0085A, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on May 1, 1978. The structure is in Zone C.

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

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21862 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H and I 275246A, Panel No. 08, published on October 23, 1979, in 44 FR 61019, indicates that Lots Nos. 8 and 9, Block 4, Green Meadows Fifth Subdivision, City of Rochester, Olmstead County, Minnesota, as recorded in Book W of Plats, Page 17, in the Office of the County of Recorder of Olmstead County, Minnesota, are located within the Special Flood Hazard Area.

Map No. H and I 275246A, Panel No. 08, is hereby corrected to reflect that the existing structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on February 13, 1976. The structures are in Zone B.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21856 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Lincoln, Nebr., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H and I 315273A Panels 27 and 28, published on October 23, 1979, in 44 FR 61024, indicates that Lot 6, Block 2, Coddington Mill, Replat, Lincoln, Nebraska, recorded as Instrument No. 78–9913, in the Office of the Register of Deeds, Lancaster County, Nebraska, is within the Special Flood Hazard Area. This map also indicates that Lots 24, 25, 37 through 45, 76, 77, 80, and 81, Block 4, are not within the Special Flood Hazard Area.

Map No. H and I 315273A Panels 27 and 28 are hereby corrected to reflect that Lot 6, Block 2, of the above mentioned property is not within the Special Flood Hazard Area identified on September 3, 1976. This lot is in Zone C. Map No. H and I 315273A Panels 27 and 28 are also corrected to reflect that Lots 24, 25, 37 through 45, 76, 77, 80, and 81, Block 4, are partially within the Special Flood Hazard Area. These lots are partially within Zone A.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21855 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Township of Berkeley Heights, N.J., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 340459 B, Panel 0001, published on October 23, 1979 in 44 FR 61007, indicates that 60 Cromwell Court, Township of Berkeley Heights, New Jersey, also known as Lot 3–197, as shown on map entitled, "Map of Berkeley Gardens, Section 4," Township of Berkeley Heights, Union County, New Jersey, dated December 3, 1957 and filed in the Union County Register's Office on May 26, 1958 as Map 481–D, is within the Special Flood Hazard Area.

Map No. H & I 340459 B, Panel 0001, is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on March 1, 1978. This lot is in Zone B.

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

Issued: July 2, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21857 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Borough of Bloomingdale, N.J., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

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

Map No. H & I 345284B, Panel 03, published on October 23, 1979, in 44 FR 61007, indicates that the property described as Unit 16 in "Glen Wild Lake—A Condominium", Bloomingdale, New Jersey, as recorded in the Deed, Book S101, Pages 37, 38 and 39, in the Office of the Register, Passaic County, New Jersey, is located within the Special Flood Hazard Area. This property is also known as Lot 43, Block 45, as shown on the Tax Map of the Borough of Bloomingdale, New Jersey.

Map No. H & I 345284B, Panel 03, is hereby corrected to reflect that the existing structure on the above-mentioned property is not within the Special Flood Hazard Area identified on July 9, 1976. This structure is in Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21858 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 405381D Panel 84, published on October 23, 1979, in 44 FR 61021, indicates that Lot 15, Block 6, Rosewood Addition, Tulsa, Oklahoma, recorded as Instrument Number 422454, Plat Number 2275, in the Office of the Clerk, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 84 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This lot is in Zone C.

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

Issued: June 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21859 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 405381D Panel 112, published on October 23, 1979, in 44 FR 61021, indicates that Lot 9, Block 2, Resubdivision of Lots 1 through 16, Block 2, Arrowwood, Tulsa, Oklahoma, as recorded in Instrument Number 136594, Plat Number 1805, in the Office of the Clerk, Tulsa County, Oklahoma, is partically within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 112 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This property is in Zone C.

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

Issued: June 16, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21860 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 405381D Panel 124, published on October 23, 1979, in 44 FR 61021, indicates that the North 60 Feet of the South 120 Feet of Lot 3, Block 12A, Tulsa Southeast Industrial District, Tulsa, Oklahoma, recorded as Instrument Number 268728, Plat Number 3395, in the Office of the Clerk, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 124 is hereby corrected to reflect that the existing structure for the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This structure is in Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21876 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for City of Salem, Oreg., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 410167 Panel 0005B, published on October 23, 1979, in 44 FR 61026, indicates that Lot 7, Block 6, and Lot 7, Block 9, Battlecreek Estates No. 3, Salem, Oregon, recorded as Instrument Number 23269 in Town Plats, Volume 32, Page 29, in the Office of the Recorder, Marion County, Oregon, are within the Special Flood Hazard Area.

Map No. H & I 410167 Panel 0005B is hereby corrected to reflect that Lot 7, Block 6, and the existing structure for Lot 7, Block 9, of the above mentioned property are not within the Special Flood Hazard Area identified on June 15, 1979. Lot 7, Block 6, and the existing structure for Lot 7, Block 9, are in Zone C.

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

Issued: June 6, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21875 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Township of Montour, Pa., Under National Flood Insurance Program

AGENCY: Federal Insurance Administrator, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. 421002, Panel No. 0005B, published on October 23, 1979, in 44 FR 61011 indicates that Parcels Nos. 25–05A–61, 25–05A–65–1, 25–05A–66–1, 25–05A–70, 25–05A–71 and 25–05A–72, Township of Montour, Columbia County, Pennsylvania, as recorded in Volume 285, Pages 921 through 932, in the Office of the Recorder of Columbia County, Pennsylvania, are located within the Special Flood Hazard Area.

Map No. 421002, Panel No. 0005B, is hereby corrected to reflect that all of Parcels Nos. 25–05A–61, 25–05A–65–1 and 25–05A–66–1 and that portion of Parcels Nos. 25–05A–70, 25–05A–71 and 25–05A–72 which lie above elevation 477.8 feet National Geodetic Vertical Datum are not within the Special Flood Hazard Area identified on August 1, 1979. The Parcels are in both Zone B and Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21874 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 405381D Panel 132, published on October 23, 1979, in 44 FR 61021, indicates that Lot 9, Block 2, Tip Top View Addition, Tulsa, Oklahoma, as recorded in Plat Number 2136, Record Number 322478, in the Office of the Clerk, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 132 is hereby corrected to reflect that the existing structure for the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. The structure is in Zone C.

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

Issued: June 5, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21877 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Brazoria County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 485458C Panel 19, published on October 23, 1979, in 44 FR 61021, indicates that a 0.666 acre tract of land, located in the western portion of the Greenberry Logan Survey, Abstract 80, Brazoria County, Texas, being a portion of the Deed recorded as Document Number 1557 in Volume 871, Pages 141 through 143, in the Office of the Recorder, Brazoria County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 485458C Panel 19 is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on October 27, 1978. This structure is in Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21873 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain

property is not within the Special Flood Hazard Area.

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 480287B Panel 78, published on October 23, 1979, in 44 FR 61022, indicates that the proposed Reserves D through F, The Concourse, being a portion of a 326.1204 acre tract of land out of the William Lyon Survey A–516, Fort Smith Survey A–1308, David Hanson Survey A–381, E. Wade Survey A–855, and Henry Woodruff Survey A–844, Harris County, Texas, recorded as File Code Number F643253, Film Code Numbers 198–01–2348 through 198–01–2357, in the Office of the Clerk, Harris County, Texas, is partially or totally within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 78 is hereby corrected to reflect that the above mentioned Reserves are not within the Special Flood Hazard Area identified on July 30, 1976. These Reserves are in Zone C.

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

Issued July 2, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21869 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 480287B Panel 73, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 8, Block 2, Sterling Green, Section Four, Harris County, Texas as recorded in Volume 262, Page 47 of Map Records, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 73 is hereby corrected to reflect that the existing structures on the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These structures are in Zone C.

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

Issued: June 5, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21870 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 480287B, Panel 44, published on October 23, 1979, in 44 FR 61022, indicates that all of Block 1; Lots 1, 2, and 14 through 25, Block 2; Lots 1 through 41 and 49 through 59, Block 5; Restricted Reserve A; and Unrestricted Reserves C, D, and E, Audubon Park, Section Two, Harris County, Texas, recorded as Document Number F308383 in Volume 257, Page 86 of Map Records, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B, Panel 44, is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

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

Issued: June 23, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-21871 Filed 7-21-80; 8:45 am]
BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 480287B Panel 60, published on October 23, 1979, in 44 FR 61022, indicates that the proposed Lots 17 through 25 and Reserve A, Block 3, Westlake Place, Section Two, being a 52.87 acre tract of land out of the James Clifford Survey A–216, Harris County, Texas, recorded as Microfilm No. 129–06–1203, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 60 is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on July 30, 1976. These properties are in Zone C.

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

Issued: June 23, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-21872 Filed 7-21-80; 8:45 am]
BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Bedford, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 480585A, Panel 01, published on October 23, 1979, in 44 FR 61021, indicates that Lot 27, Block 5, Whisperwood, Section Two, Bedford, Texas, as recorded in Volume 388–123, Page 2, in the Office of the Clerk, Tarrant County, Texas, is partially within the Special Flood Hazard Area.

Map No. H & I 480585A, Panel 01, is hereby corrected to reflect that the existing structure for the above mentioned property is not within the Special Flood Hazard Area identified on July 18, 1977. This structure is in Zone C.

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

Issued: June 5, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21913 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Richland, Wash., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 535533C Panel 07, published on October 23, 1979, in 44 FR 61027, indicates that the Animal Medical Center, being a portion of Government Lot 1 in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 4, Township 9 North, Range 28 East, Richland, Washington, as recorded in Volume 311, Page 796, in the Office of the Recorder, Benton County, Washington, is within the Special Flood Hazard Area.

Map No. H & I 535533C Panel 07 is hereby corrected to reflect that the existing structures for on the above mentioned property are not within the Special Flood Hazard Area identified on November 14, 1975. These structures are in Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21909 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program

Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

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

§ 70.7 [Amended]

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

Map No. H & I 480287B Panel 43, published on October 23, 1979, in 44 FR 61022, indicates that Lots 30 through 39, Block 6; Lots 5 through 11 and 46 through 53, Block 8; Lots 1 through 6, 48, and 49, Block 9; Lots 9 through 12, Block 10; Lots 1 through 35, 48 through 66, and Reserve E, Block 11, Greenbriar Colony Townhouses, Harris County, Texas, as recorded in Volume 295, Page 79 of the Map Records, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 43 is hereby corrected to reflect that the above mentioned property is not within the Speical Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

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

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21914 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule

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

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

EFFECTIVE DATE: July 22, 1980.

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

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

§ 70.7 [Amended]

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

Map No. H & I 480287B Panel 60, published on October 23, 1979, in 44 FR 61022, indicates that Lots 13 through 16, 18, and 26, Block 2; Lots 5 and 6, Block 3; Lots 7, 12, 13, and 15 through 19, Block 4; Lots 20, 21, 25, and 26, Block 5; Lots 14 and 20, Block 6; and Lot 1, Block 9, Westlake Place, Section One, Harris County, Texas, recorded as Document Number G–311264 in Volume 292 of Map Records, Page 42, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 60 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

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

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–21915 Filed 7–21–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for King County, Wash., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

EFFECTIVE DATE: July 22, 1980

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

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

§ 70.7 [Amended]

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

Map No. H & I 530071 Panel 0200A, published on October 23, 1979, in 44 FR 61027, indicates that a portion of Government Lot 3, Section 1, Township 24 North, Range 5 East, W.M., King County, Washington, recorded as Deed Instrument Number 7905140234 in the Office of the Recorder, King County, Washington, is within the Special Flood Hazard Area.

Map No. H & I 530071 Panel 0200A is hereby corrected to reflect that the existing structure for the above mentioned property is not within the Special Flood Hazard Area identified on September 29, 1978. This structure is in Zone C.

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

Issued: July 2, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21912 Filed 7-21-80; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1100

[Ex Parte No. 55 (Sub-No. 44)]

Rules Governing Applications Filed by Motor Carriers; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to notice of interim rules and request for comments.

SUMMARY: This documents corrects an interim rule that implements the Motor Carrier Act of 1980, which requires expedited procedures for processing certain motor carrier finance applications. The rules require directly related applications to be filed at the same time as the finance application, among other revisions.

FOR FURTHER INFORMATION CONTACT:
Richard Kelly, (202) 275–7245.
Eliot Horowitz, (202) 275–7657.
Bruce Kasson, (202) 275–7655.

SUPPLEMENTARY INFORMATION: In the original publication, which began at 45 FR 45529, July 3, 1980, the following correction should be made: Page 45531, 3rd column—in § 1100.240(A)(h)(3), 5th line, the figure "$5" should read "$10."

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21965 Filed 7-21-80; 8:45 am]

BILLING CODE 7035-01—M

49 CFR Parts 1011, 1101, and 1131

[Ex Parte No. MC-67 (Sub-9)]

Revised Temporary Authority Rules; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rules.

SUMMARY: On July 3, 1980, at 45 FR 45525, rules appeared which implement the Motor Carrier Act of 1980 by granting a motor carrier of property temporary authority (TA) for a period of 270 days and temporary authority (ETA) for not more than 30 days and may extend such authority for not more than 90 additional days. On page 45525, column 3, the Commission's authority line should be corrected to include Commissioner Gilliam's name to follow Commissioner Alexis'.

FOR FURTHER INFORMATION CONTACT:
Paul Grossman, (202) 275–7911; Jane Alspaugh, (202) 275–4561; Donald J. Shaw, Jr., (202) 275–7292.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21905 Filed 7-21-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1478]

Atchison, Topeka & Santa Fe Railway Co. Authorized To Transport Grain to Mexico Via El Paso, Tex., Without Collection of Out of Line Charges

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1478.

SUMMARY: This Service Order authorizes the Atchison, Topeka and Santa Fe Railway Company (ATSF) to route export grain trains to Mexico via El Paso, Texas, in lieu of Presidio, Texas, without collection of "out of line" charges. This is done in order to avoid further accumulation and delay via Presidio, Texas.

EFFECTIVE DATE: 12:01 a.m., July 18, 1980, and continuing in effect until 11:59 p.m., August 15, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FUTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275–7840.

Decided July 16, 1980.

There is an acute backlog of loaded cars for export to Mexico via Presidio, Texas. The Atchison, Topeka and Santa Fe Railway Company (ATSF) is presently holding a 70-car train of milo at Finney, Texas, enroute to Presidio, Texas, and has requested authority for the movement of this and similar export grain trains via the El Paso, Texas, interchange, which is not currently experiencing significant delay. In order to avoid further accumulation and delay, the ATSF has requested authority to route such shipments via El Paso, Texas, in lieu of Presidio, Texas, and waive "out of line" charges.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1478 Service Order No. 1478.

(a) *The Atchison, Topeka and Santa Fe Railway Company authorized to transport grain to Mexico via El Paso, Texas without collection of out of line charges.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) is authorized to route export grain trains via El Paso, Texas, in lieu of Presidio, Texas, without collection of "out of line" charges.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) Bills of lading covering movements authorized by this order shall contain a notation that routing is changed to "via El Paso, Texas" and "out of line charges" waived under the authority of Service Order No. 1478.

(d) *Rules and regulations suspended.* The application of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(e) *Effective date.* This order shall become effective at 12:01 a.m., July 18, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 15, 1980, unless otherwise modified, changed or suspended by order of the Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21904 Filed 7-21-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service/National Oceanic and Atmospheric Administration, Commerce.

ACTION: Clarification of intended CFR codification of final regulations.

SUMMARY: This document clarifies that the National Marine Fisheries Service (NMFS) intends final regulations (50 CFR Part 296) implementing Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV, also known as the Fishermen's Contingency Fund) to be codified in Title 50 of the Code of Federal Regulations, under Chapter II, Subchapter J.

EFFECTIVE DATE: July 22, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Grable or Ms. Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Telephone (202) 634–4688.

SUPPLEMENTARY INFORMATION: On January 24, 1980, and July 2, 1980, the NMFS issued final regulations implementing Title IV (see 45 FR 6061 and 45 FR 44942). The Title IV/Fishermen's Contingency Fund regulations are designated as 50 CFR Part 296. NMFS intends that they be codified in 50 CFR at Chapter II, Subchapter J, which is entitled "Continental Shelf". Users of the 1979 bound volume edition of Title 50 CFR will notice that Subchapter J of Chapter II is "Reserved." This is consistent with our repeal of 50 CFR Part 295 (see 44 FR 23236; April 19, 1979). In the January 24, 1980 and July 2, 1980 publications of the Title IV/Fishermen's Contingency Fund regulations, NMFS should have specified that the 50 CFR Part 296 regulations are to be codified in 50 CFR at Chapter II, Subchapter J. This document clarifies the agency's intent that the regulations be so codified, so that users of the future 1980 bound volume of 50 CFR will find these regulations appearing under an appropriately titled subchapter.

Signed this 17th day of July 1980, at Washington, D.C.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-21974 Filed 7-21-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 142
Tuesday, July 22, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 350 and 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: These regulations would clarify OPM's policies concerning the establishment and maintenance of reemployment priority lists. Also, these regulations would clarify the appointment rights of full-time and part-time employees from reemployment priority lists.

These changes are proposed in response to requests by agencies that OPM clarify both (i) its material covering the operation of agency reemployment priority lists, and (ii) its policies concerning other-than-full-time employees who are on the lists.

DATE: Written comments will be considered if received no later than September 22, 1980.

ADDRESS: Send or deliver written comments to Associate Director, Staffing Services, Office of Personnel Management, 1900 E Street, NW, Room 6526, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Ted Dow or Tom Glennon, (202) 632-4422.

SUPPLEMENTARY INFORMATION:

Background

The reemployment priority list provisions found in Subpart J of Part 351 are derived from Section 15 of the Veterans Preference Act of 1944, as presently codified in 5 U.S.C. 3315. Subpart J of Part 351 of this title covers the establishment and maintenance of the reemployment priority list, while Subpart B of Part 330 of this title covers appointment from the reemployment priority list. Additional material implementing the reemployment priority list is contained in Federal Personnel Manual Chapters 330 and 351.

Explanation of Proposed Regulations

OPM proposes to make the following specific changes in Chapter I of this title:

(1) Section 330.201(f) is added. The new § 330.201(f) provides that in selecting employees from a reemployment priority list, an agency considers full-time employees for full-time positions, and other-than-full-time employees for other-than-full-time positions. This proposed change reflects current OPM policy, which is being set forth for the first time in 5 CFR in response to requests by agencies that OPM clarify its material concerning the reemployment priority list.

(2) Subpart J of Part 351 is revised. Subpart J formerly consisted of § 351.1001(a) and (b). The new § 351.1001 reorganizes material formerly contained in § 351.1001(a) to clarify agency responsibility for the establishment and maintenance of the reemployment priority list.

(3) Section 351.1002(a), (b), and (c) are added. Section 351.1002(a) and (b) reorganize and clarify material formerly contained in § 351.1001(a).

Section 351.1002(c) explains that Subpart B of Part 330 of this title covers appointment from the reemployment priority list. This change is being proposed in response to requests by agencies that OPM provide a reference to Subpart B of Part 330 of this title in Subpart J of Part 351.

(4) Section 351.1003(a) and (b) are added. Section 351.1003(a) reorganizes and clarifies material formerly contained in § 351.1001(a). In addition, § 351.1003(a) contains new material clarifying that an employee's eligibility to be placed on the reemployment priority list is, in part, based upon an offer of assignment under Subpart G of this part. This proposed change reflects present policy, and clarifies the purpose and applicability of the reemployment priority list.

Section 351.1003(b) contains new material clarifying that an other-than-full-time employee's eligibility to be placed on the reemployment priority list is also, in part, based upon an offer of assignment under Subpart G of this part. Again, this proposed change reflects current policy, and clarifies the purpose and applicability of the reemployment priority list.

(5) Section 351.1004(a), (b), (c), and (d) are added. Section 351.1004 reorganizes and clarifies material formerly contained in § 351.1001(a).

(6) Section 351.1005(a), (b), and (c) are added. Section 351.1005 reorganizes and clarifies material formerly contained in § 351.1001(b).

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

Accordingly, OPM proposes to amend Title 5, Code of Federal Regulations, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

(1) Section 330.201(f) is added to read as follows:

§ 330.201 Priority in filling vacancies.

* * * * *

(f) In selection from a reemployment priority list, an agency considers full-time employees only for full-time positions, and other-than-full-time employees only for other-than-full-time positions.

PART 351—REDUCTION IN FORCE

(2) Subpart J of Part 351 is revised to read as follows:

Subpart J—Reemployment Priority List

Sec.

351.1001 Establishment and maintenance of the reemployment priority list.
351.1002 Persons covered.
351.1003 Employee eligibility.
351.1004 Duration of eligibility.
351.1005 Operation of the list in Alaska or overseas.

Authority: 5 U.S.C. 1302, 3315.

§ 351.1001 Establishment and maintenance of the reemployment priority list.

Each agency shall establish and maintain a reemployment priority list for each commuting area in which it separates group I or group II employees from competitive positions under this part.

§ 351.1002 Persons covered.

(a) The name of each group I or group II employee who is separated from a competitive position under this part is entered on the reemployment priority list.

(b) This priority extends to all competitive positions in the commuting

area for which the employee is qualified and available, except as provided in § 351.1005.

(c) Subpart B of Part 330 of this title covers appointment form the reemployment priority list.

§ 351.1003 Employee eligibility.

(a) A full-time group I or group II employee is entered on the reemployment priority list unless he or she has declined assignment under Subpart G of this part to a full-time, nontemporary, competitive position with a representative rate no lower than that of the position from which he or she was separated.

(b) An other-than-full-time group I or group II employee is entered on the reemployment priority list unless he or she has declined assignment under Subpart G of this part to an other-than-full-time, nontemporary, competitive position with a representative rate, and regulatory scheduled administrative workweek, no lower than that of the position from which he or she was separated.

§ 351.1004 Duration of eligibility.

(a) The name of a group I employee remains on the reemployment priority list for 2 years, and a group II employee's name for 1 year, from the date he or she was separated.

(b) An employee's name is deleted from the reemployment priority list when the employee submits a written request to the agency asking that his or her name be deleted.

(c) A full-time employee's name is also deleted from the reemployment priority list when the employee:

(1) Accepts a non-temporary, full-time, competitive position; or

(2) Declines under this subpart a full-time, nontemporary, competitive position with a representative rate the same as, or higher than, that of the position from which he or she was separated under this part.

(d) An other-than-full-time employee's name is also deleted from the reemployment priority list when the employee:

(1) Accepts a nontemporary, competitive position; or

(2) Declines under this subpart a nontemporary, competitive position with a representative rate, and regularly scheduled administrative workweek, the same as or higher than that of the position from which the employee was separated under this part.

§ 351.1005 Operation of the list in Alaska and overseas.

(a) The name of each group I or group II employee who is separated from a competitive position in Alaska or overseas is entered on the reemployment priority list for the area in which the position is located, except when:

(1) The employee leaves that area; or

(2) The agency has a general program for rotating employees between overseas areas and the United States and the employee's immediately preceding overseas services or residence, combined with prospective overseas service under available appointments, exceeds the maximum duration of an overseas duty tour in the agency's rotation program.

(b) Upon his or her written request, the name of an employee who leaves the area is entered on the agency's reemployment priority list for:

(1) The commuting area from which he or she was employed for Alaskan or overseas service; or

(2) Another area, except in Alaska or overseas, that is mutually acceptable to the employee and the agency.

(c) In addition to any of the reasons, as appropriate, in § 351.1004(b) or (c), the name of an employee is deleted from an Alaskan or overseas reemployment priority list when the employee:

(1) Leaves the area covered by that list; or

(2) Becomes disqualified for overseas appointment because of his or her previous service or residence.

(5 U.S.C. 1302, 3315)

[FR Doc. 80-21918 Filed 7-21-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

Foreign Quarantine Notices; Flag Smut (Foreign Strains); Proposed Rulemaking and Public Hearing

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule and public hearing.

SUMMARY: This document proposes to revise "Subpart—Flag Smut" (7 CFR 319.59 through 319.59–7) to prohibit certain importations of certain classes of seeds and plant products because of foreign strains of flag smut. This appears to be necessary to update regulations and to prevent the introduction of foreign strains of flag smut into the States, the District of Columbia, and certain Territories of the United States. This document also gives notice of a public hearing to consider this proposal.

DATES: Written comments must be received on or before September 23, 1980; public hearing to be held on August 27, 1980.

ADDRESSES: Written comments should be submitted to H. V. Autry, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, Hyattsville, MD 20782.

Public Hearing Location: Room 643-A (APHIS Conference Room), Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

FOR FURTHER INFORMATION CONTACT: H. V. Autry, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, Maryland, (301) 436–8247. 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 as "not significant."

Written Comments and Public Hearing

Interested persons are invited to submit written comments concerning the proposal. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register.** All written comments made pursuant to this notice will be made available for public inspection at the Federal Building, Room 633, 6505 Belcrest Road, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

The public hearing to consider this proposal will commence at 9 a.m., on August 27, 1980, in Room 643–A (APHIS Conference Room), Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Also, at the hearing a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of this proposal. Any interested person may appear and be heard in person, by attorney, or by other representative. Also, any interested person, his attorney, or other

representative will be afforded an opportunity to ask relevant questions concerning the proposal.

The hearing will commence at 9 a.m. and conclude at 12 noon, local time, unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding official prior to the hearing. The prehearing registration will be conducted at the location of the hearing between 8:30 and 9 a.m. Registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding official at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding official may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Background

Flag smut is an injurious plant disease caused by a highly infective fungus, *Urocystis agropyri* (Preuss) Schroet. The name of this fungus in the current regulations is *Urocystis tritici* Koernicke. This is changed in this proposal to *Urocystis agropyri* (Preuss) Schroet. To conform to nomenclature currently accepted by the scientific community. Some strains of flag smut occur in the United States (defined below to mean the States, the District of Columbia, and certain Territories of the United States). However, other strains of flag smut, hereinafter referred to as foreign strains of flag smut, do not occur in the United States. These foreign strains of flag smut attack wheat and substantially reduce its yield. Some of the foreign strains of flag smut can cause the total loss of wheat crops in some fields.

Certain articles from countries and localities where foreign strains of flag smut occur are likely to become infected with such diseases. These articles are proposed to be designated as prohibited articles and thereby be prohibited from being imported or offered for entry into the United States unless imported by the U.S. Department of Agriculture for experimental or scientific purposes under conditions explained below. Otherwise there does not appear to be a feasible method for inspection or treatment, or other procedures for preventing the possible introduction into the United States of accompanying foreign strains of flag smut. Accordingly, it is proposed to designate the following articles as prohibited articles if from one of the countries or localities listed below: grain, straw (other than straw, with or without heads, processed or manufactured for use indoors, such as for decorative purposes or for use as toys), hulls, chaff, and products of the milling process other than flour (i.e., bran, shorts, thistle sharps and pollards) of *Triticum* spp. (wheat), or *Aegilops* spp. as a parent; and seeds of *Melilotus indica* (annual yellow sweetclover), and seeds of any other field crops that have been separated from wheat during the screening process. Any of these articles would be designated as prohibited articles if from Afghanistan, Algeria, Australia, Bangladesh, Bulgaria, Chile, People's Republic of China, Cyprus, Egypt, Falkland Islands, Greece, Guatemala, Hungary, India, Iran, Iraq, Israel, Italy, Japan, Korea, Libya, Morocco, Nepal, Oman, Pakistan, Portugal, Romania, Spain, Tanzania, Tunisia, Turkey, Republic of South Africa, Union of Soviet Socialist Republics, or Venezuela.

Provisions in § 319.59–3 of the current regulations (7 CFR 319.59–3) provide that wheat products of the milling process (other than wheat flour which is not subject to "Subpart—Flag Smut") may be imported after it has been determined by an inspector that such products have been so milled or so processed so as to have destroyed all flag smut spores that may have been present. Under the proposal these articles would be prohibited articles because it appears that determinations that foreign strains of flag smut spores had been destroyed by milling or processing of such articles cannot be made since there are no known milling or processing procedures for such articles that would assure the destruction of foreign strains of flag smut.

Also, provisions in §§ 319.59–3 and 319.59–4 of the current regulations (7 CFR 319.59–3, 319.59–4) provide that wheat straw, hulls, chaff, seeds of *Melilotus indica* (annual yellow sweetclover), and seeds of any other field crops that have been separated from wheat during the screening process may be imported subject to treatment of the products by the application of one of the treatment methods approved by Plant Protection and Quarantine, or subject to further processing or utilization at an approved mill or plant in a manner so as to destroy flag smut infection. Under the proposal all of these articles would be designated as prohibited articles. The administratively approved treatments for seeds of *Melilotus indica*, (annual yellow sweetclover) and seeds of other field crops have been formaldehyde treatments. Also, the administratively approved treatments for wheat straw, hulls, and chaff have been formaldehyde treatments or steam sterilization. Under laws administered by the Environmental Protection Agency, use of formaldehyde sufficient to destroy foreign strains of flag smut is prohibited. In addition, it appears that steam sterilization for wheat straw, hulls, and chaff is not practical because such treatment would render the articles useless for any known purpose. Further, it appears that determinations that foreign strains of flag smut spores had been destroyed by milling or processing of such articles cannot be made since there are no known milling or processing procedures for such articles that would assure the destruction of foreign strains of flag smut.

The current regulations do not contain restrictions concerning articles of *Aegilops* spp. or articles resulting from any intergeneric cross of which *Triticum* spp. (wheat) or *Alegilops* spp. is a parent. It is proposed to include these articles as prohibited articles because these articles can become infected with and carry foreign strains of flag smut, and, as noted above, except for importations by the U.S. Department of Agriculture for experimental or scientific purposes under conditions explained below, there does not appear to be a feasible method fof inspection or treatment, or other procedures for preventing the possible introduction into the United States of accompanying foreign strains of flag smut.

Also, it is proposed that the list of "prohibited articles" would not include articles of straw, with or without heads, processed or manufactured for use indoors, such as for decorative purposes or for use as toys. It does not appear that there is a significant risk of these articles spreading living foreign strains of flag smut to wheat fields. Under usual trade practices these articles are handled in such a manner prior to retail sale so as to eliminate any significant risk of spread of spores, e.g., usually wrapped in cellophane or plastic and packed in sturdy boxes, usually transported in enclosed vehicles. In addition, use indoors provides protection against spread of spores. Further, should these articles be discarded in a wheat field after use indoors it appears that flag smut spores would have been killed by exposure to indoor temperature and humidity.

Under the proposal, the following countries and localities would be added to the list of countries and localities currently listed in the regulations because of the occurrence of foreign strains of flag smut in that it appears that foreign strains of flag smut occur in these countries and localities: Algeria, Falkland Islands, Guatemala, Hungary, Korea, Libya, Morocco, Nepal, Romania, Tanzania, and Venezuela.

In addition, an area in the Union of Soviet Socialist Republics known as the Caucasus is currently listed in the regulations because of the occurrence of foreign strains of flag smut. However, it appears that foreign strains of flag smut occur throughout the Union of Soviet Socialist Republics where wheat is grown. Accordingly, it is proposed to include all of the Union of Soviet Socialist Republics in the list of countries and localities in which foreign strains of flag smut occur.

Also, under the proposal, the following countries and localities would be deleted from the list of countries and localities currently listed in the regulations because of the occurrence of foreign strains of flag smut in that it appears that foreign strains of flag smut do not occur in these countries and localities: Aden Protectorate (now part of South Yemen), Palestine (now part of Israel and Jordan), Saudi Arabia, Syria, Trans Jordan (now Jordan), and Yemen (now Yemen and South Yemen).

The proposed regulations would reflect certain changes which have occurred with respect to names or boundaries of countries. The eastern portion of Pakistan is changed to Bangladesh. China is changed to People's Republic of China, and part of the Union of Soviet Socialist Republics. The Union of South Africa is changed to Republic of South Africa.

Pursuant to the provisions in the Plant Quarantine Act there is authority to prohibit or restrict the importation of certain articles into any State, District, or Territory of the United States. The current regulations prohibit or restrict the importation of certain articles into the continental United States, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States. It has been determined that American Samoa is a Territory of the United States within the meaning of the Plant Quarantine Act and the Federal Plant Pest Act. Also, pursuant to Pub. L. 94–241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534, the provisions of these Acts are made applicable to the Northern Mariana Islands. It appears that the proposed regulations should be made applicable to American Samoa and the Northern Mariana Islands because of the possibility of wheat being grown either experimentally or commercially in American Samoa and the Northern Mariana Islands, and because of the risk of foreign strains of flag smut being spread from American Samoa and the Northern Mariana Islands into other areas of the United States from articles imported into American Samoa or the Northern Mariana Islands. Accordingly, under the provisions of this proposal, the definition of United States would be amended to include American Samoa and the Northern Mariana Islands, and consequently the regulations would also apply to American Samoa and the Northern Mariana Islands. In addition, it is proposed to delete Guam from the list of Territories subject to the provisions in this proposed subpart. It appears that wheat is not grown in Guam and that there is no need to protect Guam against the introduction of diseases that affect wheat. Also, there appears to be adequate protection against the risk of spread of foreign strains of flag smut from Guam into other parts of the United States from articles imported into Guam since the provisions in 7 CFR 318.82–2 in essence would prohibit the importation into other parts of the United States from Guam of articles proposed to be designated as regulated articles, under this proposal.

Provisions in § 319.59a of the current regulations (7 CFR 319.59a) provide that grain of any species and varieties of *Triticum* spp. (wheat), and wheat products of the milling process, such as bran, shorts, thistle sharps, and pollards (but excluding wheat straw, hulls, and chaff) may be imported into Hawaii without restriction. These provisions were implemented because Hawaii did not grow wheat, and it was believed that it was not necessary to restrict the importation of these articles into Hawaii in order to prevent the introduction of foreign strains of flag smut into other areas of the United States. However, because of the possibility of wheat being grown either experimentally or commercially in Hawaii, and because of the risk of foreign strains of flag smut being spread from Hawaii into other areas of the United States from articles imported into Hawaii, it appears necessary to impose the same provisions concerning the importation of articles into Hawaii as would be imposed on other areas of the United States. Accordingly, under the proposal all of the articles listed as prohibited articles would be prohibited from being imported into Hawaii unless imported by the U.S. Department of Agriculture for experimental or scientific purposes as explained below.

Proposed § 319.59–2(b) would allow prohibited articles to be imported into the United States if imported by the U.S. Department of Agriculture for experimental or scientific purposes; imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705; imported pursuant to a Departmental permit issued for such article and kept on file at the Plant Germplasm Quarantine Center; imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of any tree, plant, or fruit diseases (including foreign strains of flag smut), of any injurious insects, or of any other plant pests, i.e., conditions of treatment, processing, growing, shipment, or disposal; and imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing the Departmental permit number corresponding to the Departmental permit issued for such article. Provisions in 7 U.S.C. 155 specifically authorize such articles to be imported for experimental or scientific purposes by the U.S. Department of Agriculture pursuant to prescribed regulations. The procedures specified above appear to be necessary for purposes of identifying prohibited articles imported for experimental or scientific purposes; for assuring that the conditions for treatment, processing, growing, shipment, and disposal would be understood; and for assuring that qualified personnel are available to take any necessary action in accordance with such conditions. The conditions for treatment, processing, growing, shipment, and disposal would have to be determined on a case-by-case basis since conditions of general applicability have not yet been developed for such importations; however, if this proposal were to be adopted and conditions of general applicability were to be developed, action would be taken to include them as criteria.

The proposed regulations would prohibit the importation of articles "from" specified countries and localities. The term "from" as used in this context is defined to provide that an article is deemed to be "from" any country or locality in which it was grown since articles could become infected with foreign strains of flag smut occurring in countries or localities in which grown.

The term "spp." (species) as used in the current regulations and in the proposed regulations is intended to refer to "all species, clones, cultivars, strains, varieties, and hybrids" of the genus when listed with the genus name, e.g., *Triticum* spp. Accordingly, a definition of species would be added to reflect this intent. This appears to be necessary because there would be a significant risk of introducing foreign strains of flag smut with all of the species, clones, cultivars, strains, varieties, and hybrids of a genus.

The common name of *Triticum* spp., wheat, and the common name of *Melilotus indica*, annual yellow sweetclover, are given in parenthesis after the scientific name for the purpose of identifying the articles represented by such scientific name; however, a common name is not included for articles of *Aegilops* spp. because there does not appear to be a common name for these articles.

The term "disease" as used in the proposed regulations is used interchangeably to mean a "disease" or a "disease agent which incites a disease." In order to be precise, the term "disease" would be defined to reflect this intent.

Proposed § 319.59(b) provides that an article refused importation in accordance with the requirements of the proposed subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and that pending removal or abandonment, the article shall be subject to the immediate application of such safeguards against escape of injurious plant diseases (including foreign strains of flag smut), injurious insect pests, and other plant pests as the inspector determines necessary to prevent the introduction into the United States of such diseases or pests. Proposed § 319.59(b) also provides for seizure, destruction, or other disposal of any such article not promptly safeguarded, removed, or abandoned by the importer. These provisions would be necessary to implement the provisions of section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff) which, among other things, authorize emergency measures against prohibited articles which are not in compliance with provisions promulgated under the Plant Quarantine Act or Federal Plant Pest Act.

Alternatives were considered in connection with the proposal. Consideration was given concerning whether (1) to delete all restrictions on the importation into the United States of articles proposed to be designated as prohibited articles pursuant to this document, (2) to designate all of such articles as prohibited articles, or (3) to allow the importation into the United States of one or more classes of such articles under restrictions, in addition to allowing importations of such articles by the U.S. Department of Agriculture for experimental or scientific purposes in accordance with 7 U.S.C. 155. Alternative (2) is proposed because it appears that otherwise there would be a significant risk of introducing into the United States foreign strains of flag smut, and consequently of causing a substantial reduction of the yield of wheat in the United States.

Under the circumstances referred to above, it is proposed to revise "Subpart—Flag Smut" in 7 CFR Part 319 to read as follows:

Subpart—Flag Smut (Foreign Strains)

Sec.

319.59 Prohibitions on importation; disposal of articles refused importation.
319.59–1 Definition.
319.59–2 Prohibited Articles.

* * * * *

Subpart—Flag Smut (Foreign Strains)

§ 319.59 Prohibitions on importation; disposal of articles refused importation.

(a) Pursuant to section 7 of the Plant Quarantine Act (7 U.S.C. 160) the Secretary has determined that, in order to prevent the introduction into the United States from any foreign country or locality of foreign strains of flag smut, it is necessary, except as provided in § 319.59–2(b), to prohibit the importation into the United States of certain articles from certain foreign countries and localities. Accordingly, no person shall import or offer for entry into the United States any article designed in § 319.59–2(a) as a prohibited article, except as otherwise provided in § 319.59–2(b).

(b) Any article refused importation in accordance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of injurious plant diseases (including foreign strains of flag smut), injurious insect pests and other plant pests as an inspector determines necessary to prevent the introduction into the United States of such diseases or pests. If such article is not promptly safeguarded, removed from the United States, or abandoned for destruction by the importer, it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

§ 319.59–1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

Deputy Administrator. The Deputy Administrator of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his/her stead has been or may hereafter be delegated.

Disease. The term, in addition to its common meaning, includes a disease agent which incites a disease.

Foreign strains of flag smut. Plant diseases caused by foreign strains of highly infective fungi, *Urocystis agropyri* (Preuss) Schroet., which attack wheat and substantially reduce its yield, and which are new to or not widely prevalent or distributed within and throughout the United States.

From. An article is considered to be "from" any country or locality in which it was grown.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

Person. An individual, corporation, company, society, or association.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility of enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and regulations promulgated thereunder.

Prohibited Article. Any class of seed or other plant product designated in § 319.59–2(a).

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

Spp. (species). All species, clones, cultivars, strains, varieties, and hybrids, of a genus.

United States. The States, District of Columbia, American Samoa, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

§ 319.59–2 Prohibited articles.

(a) The articles listed in subparagraph (1) from the countries and localities listed in subparagraph (2) of this paragraph are prohibited articles because of foreign strains of flag smut and are prohibited from being imported or offered for entry into the United States except as provided in § 319.59–2(b).

(1)(i) Grain, straw (other than straw, with or without heads, processed or manufactured for use indoors, such as for decorative purposes or for use as toys), hulls, chaff, and products of the milling process other than flour (i.e., bran, shorts, thistle sharps and pollards) of *Triticum* spp. (wheat), of *Aegilops* spp., or of any intergeneric cross which includes Triticum spp. (wheat) or *Aegilops* spp. as a parent;

(ii) Seeds of *Melilotus indica* (annual yellow sweetclover) and seeds of any other field crops that have been separated from wheat during the screening process.

(2) Afghanistan, Algeria, Australia, Bangladesh, Bulgaria, Chile, People's Republic of China, Cyprus, Egypt, Falkland Islands, Greece, Guatemala, Hungary, India, Iran, Iraq, Israel, Italy, Japan, Korea, Libya, Morocco, Nepal, Oman, Pakistan, Portugal, Romania, Spain, Tanzania, Tunisia, Turkey, Republic of South Africa, Union of Soviet Socialist Republics, and Venezuela.

(b) Any article listed as a prohibited article in paragraph (a) of this section may be imported or offered for entry into the United States if:

(1) Imported by the United States Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705;

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the Plant Germplasm Quarantine Center;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of tree, plant, or fruit diseases (including foreign strains of flag smut), injurious insects, and other plant pests, i.e., conditions of treatment, processing, growing, shipment, disposal; and

(5) Imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a Departmental permit number corresponding to the number of the Departmental permit issued for such article.

(Secs. 105, 107, 71 Stat. 32 and 34, as amended; secs. 7 and 9, 37 Stat. 317 and 318, as amended; sec. 10, 45 Stat. 468 (7 U.S.C. 150dd, 150ff, 160, 162, and 164a); 37 Stat. 854 (7 U.S.C. 155); 37 FR 28464, 28477 as amended; 38 FR 19141)

Done at Washington, D.C., this 16th day of July 1980.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 80–21903 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–34–M

Rural Electrification Administration

7 CFR Part 1701

Advance Notice of Proposed Revision of REA Form 805, "Electric Transmission Specifications and Drawings"

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: It is proposed to revise and update REA Form 805, "Electric Transmission Specifications and Drawings," to include additional structures primarily for single pole construction and include additional assembly units. Existing structures will be reviewed for adequacy.

DATE: Public comments must be received no later than August 21, 1980.

ADDRESS: Persons interested in the revision may submit written data, views, suggestions or comments to the Chief of the Transmission Standards Branch, Engineering Standards Division, Rural Electrification Administration, Room 1269, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Lee A. Belfore, Chief, Transmission Standards Branch, above address, telephone number (202) 447–5117.

SUPLEMENTARY INFORMATION: REA proposes to expand the number of standard structures and assemblies available to borrowers as well as make corrections and clarifications with respect to existing structures. It is further proposed to divide the Form 805 into two parts, one for structures under 100 kV and the other for structures 100 kV and above. Typical new structures to be added include 115 kV and 138 kV single pole configurations and a stronger tangent type 230 kV H-frame design.

Further public comment will be solicited when the proposed rule is published.

Dated: July 16, 1980.

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 80–21919 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–15–M

7 CFR Part 1701

Advance Notice of Proposed Rulemaking With Regard to Loan Terms and Conditions

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Under existing published REA policy bulletins, REA requires qualified borrowers to obtain a percentage of their loan capital requirements from a supplemental lender. In these cases, REA generally makes thirty-five year loans with no policy requirement as to the duration of the supplemental loan. We are currently reviewing the concurrent loan program with a view to requiring that the REA and concurrent lender loan have common terms as to principal deferment, final maturity and method of computation of quarterly interest and principal repayments. Such requirements may recognize special situations where otherwise statutory bond indentures upon a political subdivision or other valid reason could preclude REA borrowers from obtaining necessary capital needs with acceptable terms and conditions. We feel that any effects of a new policy will be limited in nature since the majority of supplemental and REA loans are for the same terms and conditions.

DATE: Public comments must be received by REA no later than August 21, 1980.

ADDRESS: Submit written comments to the Electric Loans and Management Division, Rural Electrification Administration, Room 3859, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Moran, Management Analysis Officer, above address, telephone number (202) 447–3446.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), this proposed rule may require changes in REA Bulletins 20–2, 20–9 and 20–14.

Dated: July 16, 1980.

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 80-21920 Filed 7-21-80; 8:45 am]

BILLING CODE 3410-15-M

7 CFR Part 1701

Proposed Revision of REA Specification DT-5C:PE-9

AGENCY: Rural Electrification Administration, USDA.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: REA Specification DT-5C:PE-9, "Wood Poles, Stubs, and Anchor Logs and Preservative Treatment of These Materials," is the standard that specifies the minimum acceptable quality of wood poles, stubs and anchor logs purchased by or for REA borrowers. This standard incorporates several national standards which have been amended and reissued since DT-5C:PE-9 was last revised. REA proposes to revise Specification DT-5C:PE-9 to reflect the changes in the national standards and make other changes which will clarify and improve certain areas of the last revision.

DATE: Public comments must be received by REA no later than August 21, 1980.

ADDRESS: Persons interested in the development of guidelines and procedures for the proposed specification may submit written data, views, suggestions or comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Archie W. Cain, telephone number (202) 447-3813.

SUPPLEMENTARY INFORMATION: REA is considering revision of the requirements for arsenical salts preservatives to bring them in line with latest issuances of the American Wood Preservers' Association (AWPA) standards. REA is considering revision which would restrict the use of arsenical salt preservatives to species other than Douglas fir.

REA is considering ways to limit the incidences of pretreatment infection and decay. This might involve limits on conditioning time prior to treatment and/or techniques for detecting early stages of decay in wood.

REA is also considering revision which will clarify the intent regarding the responsibilities of independent inspectors to provide complete inspection, without exception, in strict accordance with REA requirements in their entirety, and the responsibilities of treaters to provide REA borrowers with wood products which are inspected both "in the white" and after treatment, in strict accordance with REA requirements in their entirety.

REA is also considering revision which will more precisely define a check.

Dated: July 16, 1980.

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 80-21972 Filed 7-21-80; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF ENERGY

10 CFR PART 781

Patent Licensing Regulations

AGENCY: Department of Energy.

ACTION: Notice of Proposed Rule.

SUMMARY: The Department of Energy (DOE) is proposing to revise its regulations concerning licensing of patents or patent applications owned by DOE. The proposed regulations set forth the procedures, terms, and conditions upon which licenses may be granted in DOE-owned patents or patent applications. The proposed regulations will supersede the patent licensing regulations issued in 1973 by the Atomic Energy Commission and since adopted by DOE.

DATES: Comments must be received on or before August 21, 1980.

ADDRESSES: Send comments to Mr. James E. Denny, Assistant General Counsel for Patents, U.S. Department of Energy, Mail Stop A2-3018, Washington, D.C. 20545, telephone (301) 353-4018.

FOR FURTHER INFORMATION CONTACT: Robert J. Marchick, Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545 (301) 353-4970.

SUPPLEMENTARY INFORMATION: Section 9(g) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908(g)) and Sections 156 and 161g of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2186 and 42 U.S.C. 2201g), in conjunction with the Department of Energy Organization Act, (42 U.S.C. 7101), provide the Secretary of Energy with the authority to issue regulations upon which licenses may be granted under Department-owned patents. In addition, the Presidential Statement of Government Patent Policy dated August 23, 1971, (36 FR 16887), provides authority for the issuance of regulations providing for the licensing of Government-owned inventions. Pursuant to the Presidential Statement, an amendment to the Federal Property Management Regulations (41 CFR Part 101-4) was issued. These proposed regulations are generally consistent with the Federal Property Management Regulations, except where modified to follow the requirements of the Federal Nonnuclear Energy Research and Development Act of 1974.

The Department of Energy owns title to approximately 3,800 United States patents, and approximately 1,600 patents in 26 foreign countries. These patents generally relate to technology in all energy fields, including nuclear, fossil, solar, conservation, and geothermal, as well as non-energy areas, including biomedical and environmental.

Lists of abstracts of Department of Energy-owned patents may be obtained by contacting the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20545. Copies of U.S. Patents, including Department-owned patents, may be obtained from the U.S. Patent and Trademark Office, Washington, D.C. 20231. Copies of U.S. patent application specifications may be secured at reasonable costs from the National Technical Information Service, Springfield, Virginia, 22151.

It is normally the policy of the Department, in accordance with procedures, terms, and conditions specified in these regulations, to offer its patents for license to responsible applicants. DOE generally encourages the nonexclusive licensing of its patents in order to promote competition and achieve the widest possible utilization of the patented subject matter. However, it is recognized that in unusual circumstances the commercial development of certain inventions may require a substantial capital investment which private manufacturers may be unwilling to risk under a nonexclusive license. Accordingly, DOE may grant exclusive or partially exclusive licenses in appropriate circumstances in accordance with procedures specified in the regulations.

Decisions as to grants or denials of a license application will be based, in accordance with the provisions of these regulations, on the Department's view of what is in the best interests of the United States and the general public. For example, in appropriate circumstances, based on a consideration of factors specified in these regulations, grant of a license may be restricted to a requirement that the licensee manufacture the licensed product in the United States.

Licenses granted under Department-owned patents are subject to terms and conditions as specified in these

regulations, including a requirement to submit written reports, at least annually, on the licensee's efforts to commercialize the invention. Reasonable royalties may be charged for nonexclusive licenses on DOE inventions, and reasonable royalties shall be charged for exclusive or partially exclusive licenses unless the Department determines that it is not in the public interest to charge royalties.

These proposed regulations are substantially the same as the patent licensing regulations currently used by DOE, with these significant revisions: (1) The formal adoption of the statutory terms and conditions mandated by the Federal Nonnuclear Energy Research and Development Act, including procedures for third-party termination of exclusive or partially exclusive licenses; (2) clarification of procedures for appeal of patent licensing decisions, particularly with respect to the issue of which parties have standing to request such an appeal; (3) elimination of the presumption against the charging of royalties for licenses under DOE inventions; and (4) addition of the ability to grant a limited number of licenses under a particular invention in appropriate circumstances.

In accordance with section 501(c) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses. Accordingly, no public hearing is required.

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of Section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, do not apply. Further, DOE has determined that the regulations do not require the preparation of an Environmental Impact Statement pursuant to the requirements of the National Environmental Policy Act of 1969.

(Department of Energy Organization Act, Section 301, 42 U.S.C. 7301; Federal Nonnuclear Energy Research and Development Act of 1974, Section 9[g], [42 U.S.C. 5908(g)]; Atomic Energy Act of 1954 as amended, secs. 156 and 161g, 42 U.S.C. 2186 and 2201g; Presidential Statement of Government Patent Policy, 36 FR 16887)

In consideration of the foregoing, Part 781 of Title 10 of the Code of Federal Regulations, is revised as set forth below.

Issued in Washington, D.C., July 11, 1980.

Lynn R. Coleman,

General Counsel, Department of Energy.

1. Part 781 is revised to read as follows:

PART 781—DOE PATENT LICENSING REGULATIONS

General Provisions

Sec.

781.1 Scope.
781.2 Policy.
781.3 Definitions.
781.4 Communications.
781.5 Types of licenses and conditions for licensing.
781.5–1 Nonexclusive licenses.
781.5–2 Exclusive and partially exclusive licenses.
781.5–3 Additional licenses.
781.6 Procedures.
781.6–1 Publication of DOE inventions available for license.
781.6–2 Contents of a license application.
781.6–3 Published notices.
781.6–4 Termination.
781.6–5 Appeals.
781.6–6 Third-Party termination proceedings.
781.7 Litigation.
781.8 Transfer of custody.

Authority: Department of Energy Organization Act, sec. 301, Pub. L. 95–91, [42 U.S.C. 7301]; Federal Nonnuclear Energy Research and Development Act of 1974, sec. 9(g), Pub. L. 93–577, [42 U.S.C. 5908(g)]; Atomic Energy Act of 1954, as amended, secs. 156, 161g, Pub. L. 83–703, [42 U.S.C. 2186], 2201g; Presidential Statement of Government Patent Policy, 36 FR 16887

General Provisions

§ 781.1 Scope.

The regulations of this part establish the procedures, terms, and conditions upon which licenses may be granted in inventions covered by patents or patent applications, both domestic and foreign, vested in the United States of America, as represented by or in the custody of the Department of Energy.

§ 781.2 Policy.

(a) The inventions covered by the patents and patent applications, both foreign and domestic, vested in the Government of the United States of America, as represented by or in the custody of the Department, normally will best serve the public interest when they are developed to the point of practical or commercial application and made available to the public in the shortest possible time. This may be accomplished by the granting of express nonexclusive, exclusive, or partially exclusive licenses for the practice of these inventions. However, it is recognized that their may be inventions as to which the Department deems dedication to the public by publication preferable to accomplish these objectives.

(b) Although DOE encourages the nonexclusive licensing of its inventions to promote competition and to achieve their widest possible utilization, the commercial development of certain inventions may require a substantial capital investment that private manufacturers may be unwilling to risk under a nonexclusive license. Thus, DOE may grant exclusive or partially exclusive licenses where the granting of such exclusive or partially exclusive licenses is consistent with § 781.5–2.

(c) Decisions as to grants or denials of any license application will, in the descretion of the Secretary, be based on the Department's view of what is in the best interests of the United States and the general public under the provisions of these regulations. Decisions of the Department under these regulations may be made on the Secretary's behalf by the General Counsel or the General Counsel's delegate, except where otherwise delegated to the Invention Licensing Appeal Board. When the Department deems it appropriate to grant a license, the license will be negotiated on terms and conditions most favorable to the interests of the United States and the general public.

(d) No license shall be granted or implied under a DOE invention except as provided for in these regulations, in patent rights articles under Department procurement regulations [41 CFR Part 9–9], in agreements between DOE and other Government bodies, or in any existing or future treaty or agreement between the United States and any foreign government or intergovernmental organization.

(e) No grant of a license under this part shall be construed to confer upon any licensee any immunity from the antitrust laws or from liability for patent misuse, and the acquisition and use of rights pursuant to this part shall not be immunized from the operation of state or federal law by reason of the source of the grant.

§ 781.3 Definitions.

(a) "Board" means the Invention Licensing Appeal Board.

(b) "Department of Energy", "Department", or "DOE" mean the Department of Energy established by the Department of Energy Organization Act (Pub L. 95–91; 42 U.S.C. 7101).

(c) "DOE invention" means an invention covered by a U.S. or foreign patent or patent application that is vested in the Government of the United

States, as represented by or in the custody of the Department, or any of its predecessors, and which is designated by the Department as appropriate for the grant of an express nonexclusive, exclusive, or partially exclusive license.

(d) "Exclusive license" means a license in which the licensee has the exclusive right under the patent for a part or the full term of the patent, subject only to the retention by the U.S. Government of a license and rights in the invention, as specified herein.

(e) "Partially exclusive license" means (1) an exclusive license where the exclusive right granted is limited to making or using or selling the invention, or is limited to specified fields of use or use in specified geographic location; or (2) a license where the number of licenses under the particular invention is limited.

(f) "Person" means any individual, partnership, corporation, association, or institution, or other entity.

(g) "Predecessor" means the Energy Research and Development Administration, the Atomic Energy Commission, and any of the Government entities or parts thereof transferred to the Department of Energy pursuant to Title III of the Department of Energy Organization Act.

(h) "Responsible applicant" means an applicant who, in the discretion of the Department, has the intentions, plans, and ability expeditiously to bring the invention to the point of practical or commercial application.

(i) "Secretary" means the Secretary of Energy or the delegate of the Secretary of Energy.

(j) "To the point of practical or commercial application" means to manufacture in the case of composition or product, to practice in the case of a process, or to operate in the case of a machine, under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(k) "United States and the general public" means the U.S. Government, U.S. citizens, and U.S. organizations.

(l) "U.S. Organization" means any partnership, corporation, association, or institution, where 75 percent or more of the voting interest is owned by U.S. citizens.

§ 781.4 Communications.

All communications concerning the regulations in this part, including applications for licenses, should be addressed or delivered to the General Counsel, Attention: Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545.

§ 781.5 Types of licenses and conditions for licensing.

§ 781.5-1 Nonexclusive licenses.

(a) *Availability of Licenses.* Except as provided in § 781.5-2, DOE inventions will be made available for the grant of nonexclusive, revocable licenses to responsible applicants. However, when in the best interests of the United States and the general public, licenses may be restricted to manufacture in the United States. Factors which the Department will consider in so restricting a license include, but are not limited to, the following: (1) The nature of the invention; (2) the effect of the license upon the policies of the United States Government; (3) the effect of the license upon domestic and international commerce and competition; (4) the effect of the license upon the balance of payments of the United States; and (5) the effect of the license upon the overall posture of the United States in world markets.

(b) *Terms of Grant.* Nonexclusive licenses shall contain such terms and conditions as the Department may determine appropriate for the protection of the interests of the United States and the general public, including but not limited to the following:

(1) The duration of the license will be negotiated and may be extended upon application therefor, provided the licensee complies with all the terms of the license and shows that substantial utilization has been, or within a reasonable time will be, achieved.

(2) The license shall require the licensee to bring the invention to the point of practical or commercial application in the geographic area of the license, within a period specified in the license, or as the period may be extended by the Department, upon request in writing to the General Counsel, for good cause shown. The license shall further require licensee to continue to make the benefits of the invention reasonably accessible in the geographic area of the license.

(3) The license may be granted for all or less than all fields of use of the invention and in any one or all of the countries, or any lesser geographic area thereof, in which the invention is covered by a patent or a patent application.

(4) Reasonable royalties may be charged for nonexclusive licenses on DOE inventions. Factors to be considered in determining whether to charge royalties, or the amount thereof, include, but are not limied to, the following:

(i) The nature of the invention; (ii) applicant's status as a small business, minority business, or business in an economically depressed, low income or labor surplus area; (iii) the extent of U.S. Government contribution to the development of the invention; (iv) the degree of development of the invention; (v) the extent of effort necessary for licensee to bring the invention to the point of practical or commercial application; (vi) the extent of effort necessary to create or penetrate the market for the invention; (vii) whether the licensee is a U.S. citizen or U.S. organization; and (viii) whether the invention is to be licensed in the U.S. or in a foreign country.

(5) The license may extend to licensee's subsidiaries and affiliates in the jurisdiction of the license, if any, within the corporate structure of which licensee is a part but shall not be assignable, nor include the right to grant sublicenses, without the approval of the Department in writing.

(6) The licensee shall be required to submit written reports annually, and in addition when specifically requested by the Department, on its efforts to bring the invention to a point of practical or commercial application and the extent to which the licensee continues to make the benefits of the invention reasonably accessible to the public. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention.

(7) The Department may restrict the license to the fields of use or geographic areas in which the licensee has brought the invention to the point of practical or commercial application and continues to make the benefits of the invention reasonably accessible to the public.

§ 781.5-2 Exclusive and partially exclusive licenses.

(a) *Availability of Licenses.* The Department may grant exclusive or partially exclusive licenses in any invention only if:

(1) The invention has been published as available for licensing pursuant to § 781.6-1 for a period of at least six (6) months;

(2) It does not appear that the desired practical or commercial application has been or will be achieved on a nonexclusive basis, and that exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth risk capital and expenses to bring the invention to the point of practical or commercial application;

(3) A sixty (60) day notice of a proposed exclusive or partially exclusive licensee has been provided,

pursuant to § 781.6–3(a), advising of an opportunity for a hearing; and

(4) After termination of the sixty (60) day notice period, the Secretary has determined that:

(i) The interests of the United States and the general public will best be served by the proposed license, in view of the license applicant's intentions, plans, and ability to bring the invention to the point of practical or commercial applications;

(ii) The desired practical or commercial applications have not been achieved, or are not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

(iii) Exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth risk capital and expenses to bring the invention to the point of practical or commercial applications; and

(iv) The proposed terms and scope of exclusivity are not substantially greater than necessary to provide the incentive for bringing the invention to the point of practical or commercial applications and to permit the licensee to recoup its costs and a reasonable profit thereon;

(5) Any determination pursuant to subparagraph (4) of this paragraph regarding the practical or commercial application of an invention may be limited to the making, using or selling of an invention, a specific field of use, or a geographic location, provided that the grant of such license will not tend substantially to lessen competition or result in undue concentration in any section of the United States in any line of commerce to which the technology to be licensed relates.

(b) *Limited Number of Partially Exclusive Licenses.* In appropriate circumstances, and only after compliance with the requirements of subsection § 781.5–2(a), the Department may offer only a limited number of partially exclusive licenses under a particular invention, when limitation of the number of licenses is found to be in the public interst and consistent with the purpose of these regulations. Factors to be considered in a determination to offer only a limited number of licenses under a particular invention include, but are not limited to, the following: (1) The nature of the invention; (2) the projected market size; (3) the need for limitation of licenses to attract risk capital; and (4) the need for limitation of licenses to achieve expeditious commercialization of the invention. When such a determination is made, a Notice of Intent to limit the number of licenses shall be published in the **Federal Register**, identifying the invention, and advising that the Department will entertain no further applications for license under the subject invention unless within 60 days of the publication of the notice, the General Counsel receives, in writing, responses in accordance with § 781.6–3.

(c) *Selection of Exclusive Licensee or Partially Exclusive Licensee Among Multiple Applicants.* When a determination is made by the Department that grant of an exclusive license or partially exclusive license under a particular invention is a reasonable and necessary incentive, in accordance with paragraphs (a) and (b) of this section, to call forth risk capital and expenses to bring the invention to the point of practical or commercial application, and there is more than one applicant in a particular jurisdiction seeking an exclusive license, and no applicant will accept either a nonexclusive or a partially exclusive license, the Department shall make a written determination selecting an exclusive licensee. Similarly, when a determination is made to grant a limited number of partially exclusive licenses under a particular invention, and there are more applicants for such licenses than acceptable, the Department shall make a written determination selecting a limited number of partially exclusive licenses. Factors to be considered in making these determinations include, but are not limited to, the following: (1) The relative intentions, plans, and abilities of the applicants to further the technical and market development of the invention and to bring the invention to the point of practical or commercial application; (2) the projected impact on competition in the U.S.; (3) projected market size (4) the benefit to the U.S. Government, U.S. organizations, and the U.S. public; (5) assistance to small business and minority business enterprises and economically depressed, low-income, and labor-surplus areas; and (6) whether the applicant is a U.S. citizen or U.S. organization.

(d) *Terms of Grant.* Exclusive or partially exclusive licenses shall contain such terms and conditions as the Secretary may determine to be appropriate for the protection of the interests of the United States and the general public, including but not limited to the following:

(1) The duration of the license will be negotiated and the terms and scope of exclusivity shall not be substantially greater than necessary to provide the incentive for bringing the invention to the point of practical or commercial application and to permit the licensee to recoup its costs and a reasonable profit thereon. Extensions are permissible only through reapplication for an exclusive or partially exclusive license under procedures established in these regulations. The license shall be subject to any compulsory license provision required by law in a particular jurisdiction.

(2) The license shall require the licensee to bring the invention to the point of practical or commercial application in the geographic area of the license, within a period specified in the license, or as the period may be extended by the Department, upon request in writing to the General Counsel, for good cause shown. The license shall further require the licensee to continue to make the benefits of the invention reasonably accessible in the geographic area of the license. In specifying the period for bringing the invention to the point of practical or commercial application, the license shall specify the minimum sum to be expended by the licensee and/or other specific actions to be taken by it within periods indicated in the license.

(3) The license may be granted for all or less than all fields of use of the invention and in any one or all of the countries, or any lesser geographic area thereof, in which the invention is covered by a patent or a patent application.

(4) Reasonable royalties shall be charged by the Department unless the Department determines that charging of royalties would not be in the best interests of the United States and the general public.

(5) The license may extend to the licensee's subsidiaries and affiliates in the jurisdiction of the license, if any, within the corporate structure of which the licensee is a part but shall not be assignable, nor include the right to grant sublicenses, without the approval in writing of DOE.

(6) The licensee shall be required to submit written reports annually, and in addition when specifically requested by the Department, on its efforts to bring the invention to the point of practical or commercial application and the extent to which the licensee continues to make the benefits of the invention reasonably accessible to the public. The reports shall contain information within the licensee's knowledge, or which the licensee may acquire under normal business practices, pertaining to the commercial use being made of the invention.

(7) The license shall reserve at least an irrevocable, nonexclusive, paid-up license to make, use and sell the invention throughout the world by or on behalf of the United States (including

any Government agency) and States and domestic municipal governments, unless the Secretary determines that it would not be in the public interest to reserve such a license for the States and domestic municipal governments.

(8) The license shall reserve in the United States the right to sublicense the licensed invention to any foreign government pursuant to any existing or future treaty or agreement if the Secretary determine it would be in the national interest to acquire this right.

(9) The license shall reserve in the Secretary the right to require the granting of a nonexclusive or partially exclusive sublicense to a responsible applicant or applicants, upon terms reasonable under the circumstances, (i) to the extent that the invention is required for public use by governmental regulations, (ii) as may be necessary to fulfill health, safety, or energy needs, (iii) or for such other purposes as may be stipulated in the license.

(10) The license shall reserve in the Secretary the right to terminate such license in whole or in part, subject to the notice and appeal provisions of §§ 781.6–4 and 781.6–5, unless the licensee demonstrates to the satisfaction of the Secretary that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(11) The license shall reserve in the Secretary the right, commencing three years after the grant of the license, to terminate the license subject to the provisions of § 781.6–6, in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing—

(i) If the Secretary determines, upon review of such material as he deems relevant, and after the licensee or other interested person has had the opportunity to provide such relevant and material information as the Secretary may require, that such license has tended substantially to lessen competition or to result in undue concentration in any section of the United States in any line of commerce to which the technology relates; or

(ii) If the licensee fails to demonstrate to the satisfaction of the Secretary at such hearing that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

§ 781.5–3 Additional licenses.

Subject to any outstanding licenses, nothing in this subpart shall preclude the Department from granting additional nonexclusive, exclusive, or partially exclusive licenses for inventions covered by this part when the Department determines that to do so would provide for an equitable exchange of patent rights. The following circumstances are examples in which such licenses may be granted:

(a) In consideration of the settlement of interferences;

(b) In consideration of a release of any claims;

(c) In exchange for or as a part of the consideration for a license under adversely held patents; or

(d) In consideration for the settlement or resolution of any proceeding under the Department of Energy Organization Act or other statute.

§ 781.6 Procedures.

§ 781.6–1 Publication of DOE inventions available for license.

(a) The Department will publish periodically in the **Federal Register** a list of the DOE inventions available for licensing under this part. In addition, a list of those DOE inventions that are protected in the United States will be published in the U.S. Patent and Trademark Office Official Gazette, and in the National Technical Information Service (NTIS) publication "Government Inventions for Licensing."

(b) Interested persons may obtain copies of such lists by contacting the General Counsel, Attention: Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545. Copies of U.S. patents may be obtained from the U.S. Patent and Trademark Office, Washington, D.C. 20231. Copies of U.S. patent applications, specifications, or microfiche reproductions thereof may be secured at reasonable cost from the National Technical Information Service (NTIS), Springfield, Virginia 22151.

§ 781.6–2 Contents of a license application.

An application for a license under a DOE invention must be accompanied by a processing fee of $25 for each patent or patent application under which a license is desired, which shall be credited towards royalty if royalties are charged, and must include the following information:

(a) Identification of the invention for which the license is desired, including the title of the invention, and the patent application serial number or the patent number of the invention;

(b) Name and address of the person, company, or organization applying for a license and whether the applicant is a U.S. citizen or U.S. organization;

(c) Name and address of a representative of the applicant to whom correspondence should be sent and any notices served;

(d) Nature and type of the applicant's business;

(e) Applicant's status, if any, as a small business firm, minority business firm, or business firm located in a labor surplus area, low income area, or economically depressed area.

(f) Identification of the source of the applicant's information concerning the availability of a license on the invention;

(g) A statement of the field or fields of use in which the applicant intends to practice the invention;

(h) A statement of the geographic area or areas in which the applicant proposes to practice the invention, including a statement of any foreign countries in which the applicant proposes to practice the invention;

(i) A description of the applicant's technical and financial capability and plan, including the time, expenditure, and other acts which the applicant considers necessary to bring the invention to a point of practical or commercial application, and the applicant's offer to devote that time, invest that sum, and perform such acts, if the license is granted.

(j) The amount of royalty fees or other consideration, if any, that the applicant would be willing to pay the Government for the license;

(k) Applicant's knowledge of the extent to which the invention is being practiced by private industry and the Government; and

(l) In the case of an exclusive or partially exclusive license application, any facts which the applicant believes will show it to be in the public interest for the Department to grant such a license rather than a nonexclusive license, and that such exclusive or partially exclusive license should be granted to the applicant.

§ 781.6–3 Published notices.

(a) A notice of a proposed exclusive license or partially exclusive licenses, shall be published in the **Federal Register**, and a copy of the notice shall be sent to the Attorney General. The notice shall include:

(1) Identification of the invention;

(2) Identification of the proposed exclusive licensee or partially exclusive licensees;

(3) Duration and scope of the proposed license;

(4) A statement that the license will be granted unless:

(i) An application for a nonexclusive license, submitted by a responsible applicant pursuant to § 781.6–2, is

received by the Department within sixty (60) days from the publication of the notice in the **Federal Register**, and the Department determines that the applicant has established that it has already achieved, or is likely expeditiously to achieve, practical or commercial application under a nonexclusive license; or

(ii) the Department determines, based upon evidence and argument submitted in writing by a third party, that it would not be in the interest of the United States and the general public to grant the exclusive or partially exclusive licenses; and

(5) A statement advising that applicants, or third parties participating in response to the **Federal Register** notice, shall have the right to appeal any adverse decision, including the right to request an oral hearing, in accordance with § 781.6–5.

(b) In situations where the Department intends to limit the number of partially exclusive licenses under a particular invention pursuant to § 781.5–2(b), the notice in paragraph (a) of this section will be modified to reflect that intent and to invite applicants to apply for such partially exclusive licenses by a date specified in the notice.

(c) If an exclusive or partially exclusive license has been granted, or terminated in whole or in part, pursuant to this regulation, notice thereof shall be published in the **Federal Register.** Such notice shall include:

(1) Identification of the invention;

(2) Identification of the licensee; and

(3) If a license grant, the duration and scope of the license; or

(4) If a termination in whole or in part, the effective date of the termination, and whether it is in whole or in part.

§ 781.6–4 Termination.

(a) The Department may terminate, in whole or in part, a license: (1) For failure, within the time specified in the license, to take steps necessary to accomplish substantial utilization of the invention; (2) for failure of the licensee, upon bringing the invention to the point of practical or commercial application, to continue to make the benefits of the invention reasonably accessible to the public; (3) if an exclusive or partially exclusive license, for failure of the licensee to expend the minimum sum or to take any other action specified in the license agreement; (4) for failure of the licensee to make any payments or periodic reports required by the license; (5) for a false statement or omission of a material fact in the license application submitted pursuant to § 781.6–2 or in any required report; (6) for failure to grant a nonexclusive or partially exclusive license when required by the Secretary in accordance with this regulation; or (7) for breach of any other term or condition on which the license was issued.

(b) Before terminating, for any cause, in whole or in part, any license granted pursuant to this part, the Department shall mail to the licensee and any sublicensee of record, at the last address filed with the Department, a written notice of the Department's intention to terminate, in whole or in part, the license, with reasons therefor, and the licensee and any sublicensee shall be allowed thirty (30) days from the date of the mailing of such notice, or within such further period as may be granted by the Department, for good cause shown in writing, to remedy any breach of any term or condition referred to in the notice or to show cause why the license should not be terminated in whole or in part.

(c) Termination shall be effective, upon final written notice thereof to the licensee, after consideration of the response, if any, to the notice of intent to terminate.

§ 781.6–5 Appeals.

(a) The following parties have the right to appeal under this part:

(1) A person whose application for a license has been denied;

(2) A licensee or sublicensee whose license has been terminated, in whole or in part, pursuant to § 781.6–4; and

(3) A third party who has participated under § 781.6–3.

(b) Appeal under paragraph (a) of this section shall be initiated by filing a Notice of Appeal with the Department, ATTN: Invention Licensing Appeal Board, with a copy to the General Counsel, ATTN: Assistant General Counsel for Patents, within thirty (30) days from the date of receipt of a written notice by the Department. The notice of Appeal shall specify the portion of the decision from which the appeal is taken. A statement of fact and argument in the form of a brief in support of the appeal shall be submitted with the notice of appeal, or within thirty (30) days thereafter. Upon receipt of a Notice of Appeal, the General Counsel shall have thirty (30) days to transmit a copy of the administrative record of the decision to the Board with a copy to appellant. The General Counsel shall respond within 30 days from receipt of appellant's brief.

(c) The appellant shall have the burden of proving by a preponderance of evidence, based upon the administrative record, as supplemented by evidence and argument submitted by the parties to the appeal, that the decision appealed from should be reversed.

(d) The Board shall offer to the applicant, or to any other party who has participated under § 781.6–3, an opportunity to join as a party to the appeal.

(e) A hearing may be requested by any party to the appeal within a time as set by the Board.

(f) Except as set forth in this part, all Board proceedings shall be conducted pursuant to the rules of practice of the Department of Energy Board of Contract Appeals, 10 CFR Part 1023, modified as the Board may determine to be necessary or appropriate.

(g) The decision of the Board shall constitute the final action of the Department on the matter.

§ 781.6–6 Third-party termination proceedings.

(a) After expiration of three years since it was granted, any interested person may petition the Secretary to terminate, in whole or in part, an exclusive or partially exclusive license. The petition shall be sent to the Secretary, ATTN: Invention Licensing Appeal Board, and shall be verified and accompanied by any supporting documents or affidavits that the petitioner believes demonstrates that either—

(1) The license has tended substantially to lessen competition or to result in undue concentration; or

(2) The licensee has not taken effective steps, or within a reasonable time thereafter is not expected to take such steps, necessary to accomplish substantial utilization of the invention.

(b) Upon receipt of such a petition, the Board shall forward a copy of the petition, and supporting documents, to the General Counsel, ATTN: Assistant General Counsel for Patents. The General Counsel shall then forward a copy of the petition, and supporting documents, to the licensee, who shall have thirty (30) days from receipt of the petition to submit a response thereto, together with any supporting documents and affidavits. The General Counsel shall then make a preliminary review of the petition, response, and any supporting documents or affidavits to determine whether a hearing on the matter is justified. If the General Counsel finds that a hearing on the matter has been justified, he shall so advise the Board.

(c) If the General Counsel finds that a hearing has not been justified by petitioner, he shall so find in writing. The General Counsel shall promptly notify by mail the petitioner of the finding. The petitioner may appeal this

finding by filing a Notice of Appeal with the Board within thirty (30) days of the date of the mailing of the finding by the General Counsel. The Board shall review the finding concerning petitioner's justification for a hearing, and shall uphold the finding of the General Counsel unless petitioner can demonstrate that the finding was arbitrary, capricious, or an abuse of discretion. If the Board reverses the finding as to the justification for a hearing, the petition shall be heard by the Board in accordance with the procedures outlined in paragraph (d) of this section.

(d) When it has been determined, in accordance with paragraph (b) of this section, that a hearing has been justified, the Board shall so notify the petitioner and the licensee, and the Board shall publish a Notice in the **Federal Register** advising the public that a hearing is to be scheduled. The Notice shall describe the subject matter of the hearing and shall advise of the right of any interested person to file a petition with the Board, within thirty (30) days of the Notice, showing cause why he should be added as a party to the hearing. The Board shall, in its discretion, determine who should be added as a party.

(e) Any party shall have the right to request a full evidentiary hearing on the matter. In lieu thereof, if the parties agree, the matter may be decided at an "informal" hearing, in whch no party has the right to call and cross-examine witnesses, but in which the parties have the right to present oral argument to the Board to supplement briefs, affidavits, and other documentary evidence that may have been submitted. Any hearing and related procedures shall be conducted pursuant to the rules of practice of the Department of Energy Board of Contract Appeals, Title 10 CFR Part 1023, modified as the Board may determine to be necessary or appropriate.

(f) If petitioner alleges that the exclusive or partially exclusive license has tended substantially to lessen competition or to result in undue concentration in any section of the country in any line of commerce to which the technology relates, the petitioner shall have the burden so to prove by a preponderance of evidence.

(g) If petitioner alleges that the licensee has failed to accomplish substantial utilization of the invention, and has presented sufficient proof, in accordance with paragraph (b) of this section, to justify a hearing on the matter, the licensee shall have the burden to prove, by a preponderance of evidence, that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(h) The Board shall make findings of fact and render a conclusion of law with respect to the challenged license. The conclusion of the Board shall constitute the final action of the Department on the matter.

§ 781.7 Litigation.

(a) An exclusive or partially exclusive licensee may be granted the right to sue at his own expense any party who infringes the rights set forth in his license and covered by the licensed patent. Upon a determination that the government is a necessary party, the licensee may join the Government of the United States, upon consent of the Attorney General, as a party complainant in such suit. The licensee shall pay costs and any final judgment or decree that may be rendered against the Government in such suit. The Government shall have the absolute right to intervene in any such suit at its own expense.

(b) The licensee shall be obligated to furnish promptly to the Government, upon request, copies of all pleadings and other papers filed in any such suit and of evidence adduced in proceedings relating to the licensed patent, including, but not limited to, negotiations or settlements and agreements settling claims by a licensee based on a licensed patent, and all other books, documents, papers and records pertaining to such suit. If, as a result of any such litigation, the patent shall be declared invalid, the licensee shall have the right to surrender his license and be relieved from any further obligation thereunder.

§ 781.8 Transfer of custody.

The Department may enter into an agreement to transfer its custody of any patent to another Government agency for purposes of administration, including the granting of licenses pursuant to this part.

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BILLING CODE 6450-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Limited Partnership SBIC; Definition of "Associate of a Licensee"

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would permit individuals to serve as general partners of a Limited Partnership SBIC. Under present regulations, a Limited Partnership SBIC may have only a corporate general partner.

This proposed rule would also amend the definition of "Associate of a Licensee" to exclude a person regularly serving the Licensee as an attorney at law, unless the attorney is on retainer.

Finally, § 107.813(c) would be amended to delete a reference that has been superseded by legislation, and thereby eliminate an apparent but legally ineffective inconsistency with Pub. L. 95-507.

DATE: Comments must be received on or before September 22, 1980.

ADDRESS: Written comments, in duplicate, are to be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Peter F. McNeish, Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416 (202-653-6848).

SUPPLEMENTARY INFORMATION: The objective of the proposed changes in SBA's regulations is to facilitate the formation of Licensees organized as limited partnerships by allowing individuals, as well as corporations, to serve as general partners. The presence of individual general partners in a Limited Partnership Licensee makes it necessary to create adequate safeguards against violations of SBS's self-dealing regulation (§ 107.1004) by such persons, and to draw distinctions between those regulations that by their nature could apply only to corporate general partners or corporate Licensees, and those that could, and should, apply to all persons in control of a Licensee.

The definition of "Associate of a Licensee" in § 107.3 would be amended to include explicitly any Control Person of an Unincorporated (Limited Partnership) Licensee; and any Person serving as Investment Adviser or Manager of a Licensee under a contract with a general partner of the Licensee. Although an Investment Adviser/Manager may have no contractual relationship with the Licensee, such a Person is considered the Investment Adviser/Manager of the Licensee, and an "Associate."

The definition of "Associate of a Licensee" would be further amended to cover only a person regularly serving a Licensee on retainer in the capacity of attorney at law. Even though an attorney at law may regularly provide legal advice and other services to the

Licensee, it is more appropriate to view such an attorney as an outside contractor rather than as an "insider" of the Licensee, unless the attorney is under contract to provide legal services to the Licensee.

A new term, that of "Control Person," would be added to § 107.3. Generally speaking, a "Control Person" is one who controls a Limited Partnership SBIC, whether as a general partner, or by virtue of being an officer, director, or stockholder of a corporate general partner, even though such person may not be a general partner under local law. This broad definition is necessary to prevent abuse of authority, or dereliction of duty, by persons who control the business of a Limited Partnership Licensee as a matter of fact, although they are not technically general partners.

Proposed § 107.4 is captioned "Limited Partnership SBIC" but SBA has determined that a partnership *in commendam* is a limited partnership for the purposes of the Small Business Investment Act. However, no License may be issued to a partnership that is not a limited partnership, a partnership *in commendam*, or the legal equivalent under the law of any Territory or possession of the United States.

Proposed § 107.4(b)(1) would allow a Limited Partnership SBIC to have individual general partners in addition to, or instead of, the sole corporate general partner now permitted. If Licensee does not have a corporate general partner, it must have at least two individual partners at all times. Since the number of individual general partners may be reduced by such events as death or disability, the proposed regulation allows a Licensee a 60-day grace period during which it may function with only one individual general partner pending the appointment of new general partners and SBA's approval thereof. The requirement of at least two individual general partners is imposed to insure the continuity of the partnership's operation if one partner should become unable to manage the business and to insure that the partnership's property will be safeguarded by a "dual signature" restriction on the writing of checks and the withdrawal of securities, as contemplated by § 107.1103.

Applicants should be aware that there has been no change in the attitude of the Internal Revenue Service with respect to the partnership status (for tax purposes) of limited partnerships that have only a corporate general partner.

Proposed § 107.4(b)(2) applies only to corporate general partners. A corporate general partner remains subject to the same obligations and restrictions presently imposed upon a corporate general partner. It should be understood that a corporate general partner is for many purposes considered to be the Licensee, particularly with respect to any changes in its officers, directors, and stockholders; any change of control over a corporate general partner is, in effect, a change of control over the Licensee.

Proposed § 107.4(b)(3) is almost self-explanatory. The requirement that the partnership have a duration of not less than 30 years is mandated by the language of Section 301(a) of the Act. The requirement that no general partner be subject to removal or replacement by the limited partners without SBA's prior written consent is intended to insure, first, that the general partners are not mere figureheads and, second, that any transfer of control over a Limited Partnership Licensee shall be subject to the same restrictions that SBA presently imposes on corporate Licenses.

Although proposed § 107.4(c) is captioned "Obligations of a Control Person," the text of the regulation draws distinctions between those restrictions and obligations applicable to all Control Persons, and those applicable only to general partners. Restrictions and obligations applicable only to corporate general partners are set forth in paragraph (b)(2) for ease of reference, but any reference in § 107.4(c) to "all Control Persons" or "general partners" covers corporate general partners as well. All Control Persons are subject to the disciplinary provisions of sections 313 and 314 of the Act and are, by definition, "Associates of a Licensee" for all purposes, particularly including self-dealing under § 107.1004; and any Control Person commits an act of default on the Licensee's behalf by violating § 107.203(b)(4). All general partners are responsible for their Licensee's compliance with SBA regulations and the insolvency of any general partner constitutes an act of default on the Licensee's part. Only corporate general partners are required to keep records in the form prescribed by SBA and to make them available for routine examination.

Proposed § 107.103 is self-explanatory. The regulation extends to the Control Persons of a Limited Partnership SBIC the same disclosure requirements that presently apply to the officers, directors, and persons owning or controlling, directly or indirectly, 10 percent or more of the stock of a corporate SBIC.

Proposed § 107.1103 clarifies the "dual control" requirement as it applies to Limited Partnership SBICs.

The amendment of § 107.813(c) is of a technical, editorial nature. Pub. L. 95–507 raised the statutory minimum capitalization for a Licensee from $150,000 to $500,000 effective October 1, 1979.

Accordingly, pursuant to the authority of section 308 of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 687, it is proposed to amend Part 107 of Chapter I, Title 13 of the Code of Federal Regulations to read as follows:

1. Paragraphs (a) and (b) of the definition of "Associate of a Licensee" set forth in § 107.3 would be amended to read as follows:

§ 107.3 Definition of terms.

* * * * *

Associate of a Licensee. "Associate of a Licensee" means:

(a)(1) An officer, director, or agent of a Corporate Licensee; (2) a Control Person or agent of an Unincorporated Licensee; (3) a manager or Investment Adviser of any Licensee, which term includes any Person contracting with a general partner of an Unincorporated Licensee to serve as manager or Investment Adviser of such Licensee; or (4) any person regularly serving a Licensee on retainer in the capacity of attorney at law; or

(b)(1) A Person owning or controlling directly or indirectly ten percent or more of any class of stock of a Corporate Licensee; or (2) a Person owning or controlling directly or indirectly ten percent or more of the partnership capital of an Unincorporated Licensee; or

* * * * *

2. Section 107.3 would be amended to add the following definition at the alphabetically appropriate place:

§ 107.3 Definition of terms.

* * * * *

Control Person. "Control Person" means (1) a general partner of an Unincorporated Licensee; or (2) any officer or director of a corporate general partner of an Unincorporated Licensee, or any Person owning or controlling directly or indirectly ten percent or more of any class of stock of such corporate general partner.

* * * * *

3. Section 107.4 (b) and (c) would be amended to read as follows:

§ 107.4 Limited partnership SBIC.

* * * * *

(b) *Application.* The following requirements shall apply to an application submitted by or on behalf of a limited partnership:

(1) *Number of General Partners.* Unless the applicant has a corporate

general partner, it shall not have fewer than two individual general partners for more than sixty days at a time. If the applicant has a corporate general partner, it is not required to have any individual general partners.

(2) *Corporate General Partner.* A corporate general partner shall be organized under State law solely for service as such and its Articles (which shall accompany the License Application) shall specify that no person shall serve as an officer or director without SBA's approval. No corporate general partner may serve as such for any other Licensee. The corporate capital of such general partner which is not invested in the Unincorporated Licensee shall be invested only as permitted by the last sentence of section 308(b) of the Act, pursuant to § 107.808, or in accordance with § 107.1004(c), or any of them. A corporate general partner is subject to the same examination and reporting requirements as a Licensee under section 310(b). The restrictions and obligations imposed upon a Licensee by §§ 107.203(b)(2) and (3)(iii) and by §§ 107.701, 107.703, 107.801, 107.802, 107.803, 107.806, 107.809, 107.901, 107.902, 107.903, 107.1101, 107.1102 and 107.1105 apply also to a corporate general partner of a Licensee.

(3) *Articles of Partnership.* The Articles shall be transmitted to SBA with the application and shall provide that (i) the partnership shall have a duration of not less than thirty years unless sooner dissolved by the partners; (ii) no general partner may be removed or replaced by the limited partners without prior written approval of SBA; and (iii) any transferee of, or successor in interest to, a general partner shall have only the rights and liabilities of a limited partner pending SBA's written approval of such transfer or succession.

(c) *Obligations of a Control Person.* All control persons are bound by the disciplinary provision of sections 313 and 314 of the Act and by the conflict-of-interest rules under section 312 of the Act. The term "Licensee," as used in §§ 107.702, 107.801, and 107.1105 includes a Control Person of a Licensee. The term "Licensee" as used in § 107.1203 includes only a general partner. The events of default specified in §§ 107.203(b)(1)(ii), (iii) and (iv) and in § 107.203(b)(2),shall apply to all general partners; the events of default specified in § 107.203(b)(4) shall apply to all Control Persons. The events of default enumerated in the preceding sentence shall be deemed to have been agreed to by the Unincorporated Licensee.

§ 107.4 [Amended]

4. Section 107.4 would be further amended by the deletion of paragraph (d) thereof and the redesignation of present paragraph (e) as paragraph (d) of the amended regulation.

5. Section 107.103 would be amended to read as follows:

§ 107.103 Public notice.

SBA shall publish notice of the license application in the **Federal Register.** It shall include such appropriate information as the name and location of the proposed Corporate Licensee, its areas of operation, the names and addresses of its officers, directors, and owners of or persons controlling 10 or more percent of its voting stock; and in the case of an Unincorporated Licensee, its name, location, and areas of operations, and the names and addresses of its Control Persons. If any Control Person is a corporation, the notice shall set forth the names and addresses of any officers, directors, and owners of, or persons controlling, 10 percent or more of the stock of such corporate general partner. In the case of an Unincorporated Licensee, the notice shall also include the name and address of each owner of 10 percent or more of the Licensee's Private Capital. The public shall be afforded reasonable opportunity for the submission of written comments and the proposed Licensee shall publish a similar notice in a newspaper of general circulation in the proposed area of operation. A certified copy evidencing publication shall be furnished to SBA within 10 days of the date of publication.

6. Section 107.1103(b) is amended to read as follows:

§ 107.1103 Internal control.

* * * * *

(b) *Dual control.* Licensees shall maintain dual control over disbursements of funds and withdrawal of securities. Disbursements shall be made only by checks requiring two or more signatures. In the case of a Corporate Licensee, the signature of two or more officers shall be required. In the case of an Unincorporated Licensee, checks shall require the signature of two or more general partners, or two or more officers of a corporate general partner. Notwithstanding the foregoing requirement, checks in the amount of $1,000 or less may be signed by one officer of a Corporate Licensee, by one general partner, or by one officer of a corporation serving as a general partner of a Licensee. Two or more officers of a corporate Licensee, or one officer and one employee shall be required to open safe deposit boxes or withdraw securities from safekeeping. Two or more General Partners, or two or more officers, or one officer and one employee of a Corporate General Partner shall be required to open safe deposit boxes or withdraw securities from safekeeping: *Provided, however,* That an employee of the Licensee may be substituted for any of the persons described in this sentence. Licensees shall furnish to each depository bank and custodian a certified copy of its resolution or other formal act implementing the foregoing control procedures.

§ 107.813 [Amended]

7. Section 107.813(c) would be amended by deleting "$150,000" in the phrase "the statutory minimum capital of $150,000" and substituting "$500,000."

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 8, 1980.

William A. Mauk,

Acting Administrator.

[FR Doc. 80-21923 Filed 7-21-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 211 and 610

[Docket No. 80N-0080]

Human and Veterinary Drugs; Current Good Manufacturing Practice for Drug Products, Exemption From Expiration Dating and Stability Testing Requirements for Allergenic Extracts

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to exempt allergenic extract products from the requirements for expiration dating and stability testing that are contained in the current good manufacturing practice regulations for drug products. This action is taken in response to petitions that have been received from seven manufacturers of allergenic extract products. Allergenic extracts will remain subject to the expiration dating requirements of the regulations governing the labeling of licensed biologic products.

DATES: Comments by September 22, 1980. FDA proposes that the final regulation based on this proposal become effective 60 days after the date it is published in the **Federal Register.**

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and

Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATON CONTACT: Steven H. Unger, Bureau of Drugs (HFD–30), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

SUPPLEMENTARY INFORMATION: FDA is proposing to amend the regulations describing current good manufacturing practice (CGMP) for human and veterinary products to exempt allergenic extracts from the expiration dating and stability testing provisions of the CGMP regulations. This action is taken in response to the requests of a number of manufacturers of allergenic extracts who contend that compliance with the provisions is not feasible under current knowledge and technology.

The CGMP regulations were most recently amended and issued in the **Federal Register** of September 29, 1978 (43 FR 45014). Among other provisions, they require that all drug products bear an expiration date as assurance that the products meet applicable standards of identity, strength, quality, and purity at the time of use (21 CFR 211.137). Under the CGMP regulations a drug's expiration date is to be established on the basis of stability studies conducted on the drug product pursuant to the stability testing provisions of the regulation (21 CFR 211.166). These provisions of the CGMP regulations apply to all drug products, including biological products. The expiration dating requirements became effective September 28, 1979.

In response to the issuance of the amended CGMP regulations in September 1978, seven manufacturers of allergenic extract biological drug products petitioned the agency to exempt their products from the expiration dating and stability testing requirements of the CGMP regulations. The petitions noted that expiration dating periods for allergenic extracts were already specified in the regulations governing biological products. The petitions argued that the kind of stability tests contemplated in the CGMP regulations were not yet appropriate for the testing of allergenic extracts. This argument is summarized as follows:

1. The expiration dating in the CGMP regulations is based on the assumption that tests can be established for drug products that can reliably and meaningfully demonstrate the stability of drug products over time.

2. Stability testing of a biological product entails the assessment of the product's biological activity (potency) measured ordinarily against the potency of a standard preparation. The standard represents the desired target potency of the product to be measured.

3. To date, there are no codified U.S. standards of potency for any allergenic extracts. (There is currently a proposal to codify an official potency test for a single allergenic extract—short ragweed, *Ambrosia elatior*. Also, a license application has been approved that includes an uncodified potency test for hymenoptera venom extracts.) The failure to develop standards for allergenic extracts is due in large part to the complex nature of these preparations, substances that are "complex mixtures of proteins, carbohydrates, etc.," extracted from naturally occurring materials such as pollens, molds, foods, insects, dust, and animal danders.

4. Without established standards of potency, the stability tests contemplated by § 211.166 cannot be conducted for these products. And without valid stability tests, manufacturers of these products cannot develop the kind of expiration dating called for in the CGMP regulations.

Copies of these petitions have been placed on file in the office of the Hearing Clerk, Food and Drug Administration.

The agency has carefully considered the petitions, and, for the reasons stated above, has tentatively concluded that until standards of potency are established for the products, allergenic extracts should be exempted from the expiration dating and stability testing requirements of the CGMP regulations. The agency and certain manufacturers are developing potency standards for various allergenic products. As potency standards are developed, manufacturers will be required to perform stability studies to support the dating period for their products and to submit appropriate license amendments that support these dating periods. The agency expects that the procedures outlined in the proposal for an antigen E potency test for short ragweed pollen extracts, published in the **Federal Register** of August 3, 1979 (44 FR 45642), will serve as a model for the development of potency tests for the other allergenic extracts.

The labeling of allergenic extracts for which there are no potency standards established is required to bear the statement "No U.S. Standard of Potency" (21 CFR 610.61(r)). This proposal would exempt from §§ 211.137 and 211.166 those allergenic extracts that are labeled "No U.S. Standard of Potency." Once potency standards are established for individual allergenic extracts those products would become subject to the expiration dating and stability testing requirements of the CGMP regulations. Despite the fact that there are no specific potency standards for allergenic products prescribed by regulation for a particular product, each license application currently submitted to the agency contains the manufacturer's evidence establishing that the particular product is potent.

Allergenic extracts are currently subject to the expiration dating requirements set forth in § 610.53 (21 CFR 610.53). That section provides that the dating periods for allergenic extracts "are based on data relating to usage, clinical experience or laboratory tests that establish the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, and potency * * * " (21 CFR 610.53(a)). The agency proposes to amend § 610.53(a) to make clear that those allergenic extracts for which no potency standards are established remain subject to that section.

The agency proposes to make this amendment effective 60 days after it is published as a final regulation in the **Federal Register**. The agency has determined that because of the nature of the proposed change, it is in the public interest to exempt manufacturers of allergenic extracts on an interim basis from §§ 211.137 and 211.166 of the CGMP regulations. Thus, as of this date, the agency will not enforce those sections of the CGMP regulations with respect to allergenic extracts. Pending the receipt of comments on the proposal and the agency's final decision on the matter, this policy will remain in effect. If the agency ultimately determines not to publish the proposal as a final rule, a notice announcing that decision will be published in the **Federal Register**.

The agency has determined pursuant to 21 CFR 25.24(d)(12) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701, 52 Stat. 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 352, 355, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Parts 211 and 610 be amended as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

1. Part 211 is amended:

a. In § 211.137 by redesignating paragraph (f) as (g) and adding new paragraph (f) to read as follows:

§ 211.137 Expiration dating.

* * * * *

(f) Allergenic extracts that are labeled "No U.S. standard of potency" are exempt from the requirements of this section.

(g) Pending consideration of a proposed exemption, published in the **Federal Register** of September 29, 1978, the requirements in this section shall not be enforced for human OTC drug products if their labeling does not bear dosage limitations and they are stable for at least 3 years as supported by appropriate stability data.

b. In § 211.166 by adding new paragraph (d) to read as follows:

§ 211.166 Stability testing.

* * * * *

(d) Allergenic extracts that are labeled "No U.S. standard of potency" are exempt from the requirements of this section.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. Part 610 is amended in § 610.53(a) by revising the fifth and sixth entries in the table to read as follows:

§ 610.53 Dating periods for specific products.

(a) * * *

* * * * *	
Allergenic Extracts labeled "No U.S. standard of potency".	With 50 percent or more glycerin, three years (5° C, three years). With less than 50 percent glycerin, eighteen months (5° C, eighteen months). Products for which cold storage conditions are inappropriate, eighteen months, provided labeling recommends storage at no warmer than 30° C. Section 610.51 does not apply. Powders and tables, five years, provided labeling recommends storage at no warmer than 30° C. Section 610.51 does not apply. Freeze dried products, five years (5° C, three years).
Allergenic Extracts, Alum Precipitated labeled "No U.S. standard of potency".	Eighteen months (5° C, eighteen months).
* * * * *	

* * * * *

Interested persons may, on or before September 22, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: July 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–21901 Filed 7–21–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 346

[Docket No. 80N–0050]

Anorectal Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; Correction

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; Correction.

SUMMARY: The Food and Drug Administration issued in the **Federal Register** a proposal on over-the-counter anorectal drug products. Various errors appeared in the document. Changes are made to correct them.

FOR FUTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 80–15334 appearing at page 35576 in the **Federal Register** of May 27, 1980, the following corrections are made:

1. At page 35673, second column, in § 346.3(b) and (e), change "buring" to "burning."

2. At page 35673, third column, in § 346.14 in the introductory text, change "Active" to "active" and in paragraph (e), change "Gylcerin" to "Glycerin."

3. At page 35674, first column, in § 346.18 in the introductory text, change "limit" to "limits" and in paragraph (a) change "percent" to "per."

4. At page 35674, first column, in § 346.20 in the introductory text, change "limit" to "limits" and in paragraph (b), add "percent" after "3" so that it read "Resorcinol 1 to 3 percent per dosage unit."

5. At page 35674, third column, in § 346.50 in paragraph (c)(7)(ii) in the third line, change "device" to "devices."

6. At page 35676, first column, in § 346.56 in paragraph (b)(18), change "*alumina gel*" to "*aluminum hydroxide gel*"; in paragraph (c)(1), change "*alumina gel*" to "*aluminum hydroxide gel*"; in paragraph (c)(2) in the fourth line, add "a" so that the line reads "*final formulation as a separate ingredient*"; and in the third column in paragraph (d)(1), change "*alumina gel*" to read "*aluminum hydroxide gel.*"

7. At page 35676, third column, in § 346.58(c) in the second line, change "products" to "product."

8. At page 35677, first column, in §346.60(d)(3), change "*product*" to "*products.*"

Dated: July 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–21902 Filed 7–21–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 349

[Docket No. 80N–0145]

Ophthalmic Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; Proposed Rulemaking; Correction

In FR Doc. 80–13750 appearing on page 30002 in the issue of May 6, 1980, make the following correction:

1. On page 30003, second column, in the fourteenth line, "until February 1978," should have read "until October 1976,".

2. On page 30006, first column, tenth line from the bottom, "ETA" should have read "EDTA". In the third column, the second line of paragraph "3. *Antioxidant.*", the word "determination" should have read "deterioration".

3. On page 30019, the second column, the ninth line from the bottom reading "marked" should have read "marketed". In the third column the third line of paragraph numbered "(5)" under **References** should have read "*Chemist and Aerosol News, 36:43–46, 1965.*", and the third line of paragraph "(8)" should have read "Optician, 3:9–2, 1974."

4. On page 30039, first column, twenty-third line, the second word should have

read "acuity". In the fifth line from the bottom "223" should have read "233".

In the second column, the second line of paragraph "a," under "Category I Labeling", the word "coreal" should have read "corneal".

5. On page 30041, first column, the third and forth line of paragraph "(9)" should have read "Vehicles on ^{3}H Thymidine in Normal Rabbit Corneas," *Ophthalmologica,* 156:425–436, 1968.

6. On page 30048, the second column, in the last line of § 349.14(d), the figure reading "0.0" should have read "0.2".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax; Taxable Years Beginning After December 31, 1953; Income of Foreign Governments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the taxation of income of foreign governments. The regulations provide guidance for determining whether certain income of foreign sovereigns from loans or leases is derived from the conduct of commercial activities in the United States.

DATES: Written comments and requests for a public hearing must be delivered or mailed on or before September 22, 1980. The amendments are proposed to be effective with respect to income derived after July 22, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:LR–213–76, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Donald K. Duffy of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (LR–106–75), or call 202–566–4336.

SUPPLEMENTARY INFORMATION:

Background

The **Federal Register** today published a Treasury decision under section 892 of the Internal Revenue Code of 1954. That Treasury decision generally provides that the income of foreign sovereigns derived from the conduct of commercial activities in the United States is not income of a foreign government for purposes of the exemption under section 892. Commercial activities do not include, among other activities, investment activities which involve the making of loans and the holding of net leases on real property.

These proposed amendments to paragarph (c)(2)(i) of § 1.892–1 establish the circumstances under which the making of loans or the holding of net leases on real property will be considered to be investment activities. The proposed regulations generally provide that the making of loans or the holding of net leases on real property will be considered investment activities provided the amount of interest, rents, or any other payments associated with the loans or leases is not determined in whole or in part by reference to the income or profits of any person. The proposed amendments also establish rules for determining whether the amount of interest, rents, or other payments will be considered to be determined by reference to income or profits.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Jason R. Felton of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Section 1.892–1 is amended by adding subdivisions (*d*) and (*e*) to paragraph (c)(2)(i) to read as follows:

§ 1.892–1 Income of foreign governments.

* * * * *

(c) *Characterization of activities.* * * *

(2) *Activities that are not commercial.*

(i) *Investments.* * * *

(*d*) A loan made as a private placement by a person other than a bank, loan company, or similar financial business (open to the general public) will generally be considered an investment. In no event, however, will a loan be considered an investment if the amount which may be received or accrued by the creditor is determined in whole or in part on the income or profits of any person. Whether the amount may be determined in whole or in part on the income or profits of any person (whether or not derived from property secured by the obligation) is made under the principles of paragraph (c)(2)(i)(*e*) of this section. For example, if in accordance with a loan agreement an amount is received or accrued by the creditor with respect to an obligation which includes both a fixed amount of interest and a percentage of the borrower's income or profits, the amount is considered to be based on income or profits.

(*e*) Holding a net lease on real property will be considered an investment only if, during the term of the lease, the lessor bears no burden or risk (other than by noncompliance of a lessee) of any expenses of the property (such as utilities, repairs, maintenance, insurance or taxes) and has no responsibility to manage or otherwise oversee the property, and the amount which may be received or accrued by the lessor does not depend in whole or in part on the income or profits derived by any person from the property. For purposes of this subdivision (i)(*e*), an amount of rent will not be considered to be based on the income or profits of a person solely by reason of being based on a fixed percentage or percentages of receipts or sales (whether or not receipts or sales are adjusted for returned merchandise, or Federal, State, or local sales taxes). For example, where the lease provides for differing percentages of receipts or sales from different departments or from separate floors of a retail store, rent would not be considered to be based on income or profits so long as each percentage is fixed at the time of entering into the lease and a change in such percentage is not renegotiated during the term of the lease (including any renewal periods of the lease) in a manner which has the effect of basing the rent on income or profits. An amount received or accrued as rent which is based on a fixed percentage or percentages of the lessee's receipts or sales reduced by escalation receipts (including those determined under a formula clause) will not be considered to be based on income or profits. Escalation receipts include

amounts received by a prime tenant from subtenants by reason of an agreement that rent will be increased to reflect all or a portion of an increase in real estate taxes, property insurance, operating costs of the prime tenant, or similar items customarily included in lease escalation clauses. If property is leased to a tenant under terms other than solely on a fixed sum rental (for example, a percentage of the tenant's gross receipts), and the tenant subleases all or a part of such property under an agreement which provides for a rental based in whole or in part on the income or profits of the sublessee, the entire amount of the rent received from the prime tenant with respect to such property is considered to be based on income or profits. Where in accordance with the tems of an agreement an amount received or accrued as rent may include both a fixed rental and a percentage of all or a portion of the lessee's income or profits, the entire amount is considered to be based on income or profits even though the amount actually received or accrued in a particular year includes only the fixed rental. An amount received or accrued as rent which consists, in whole or in part, of one or more percentages of the lessee's receipts or sales in excess of determinable dollar amounts may be considered not to be based on income or profits, but only if two conditions exist. First, the determinable amounts do not depend in whole or in part on the income or profits of the lessee. Second, the percentages and the determinable amounts are fixed at the time the lease is entered into and a change in percentages and determinable amounts is not renegotiated during the term of the lease (including any renewal periods of the lease) in a manner which has the effect of basing rent on income or profits. In any event, a net lease on real property will not be considerd an investment if, considering the lease and all the surrounding circumstances, the arrangment does not conform with normal business practice but is in reality used as a means of basing the rent on income or profits.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-21937 Filed 7-17-80; 3:51 pm]

BILLING CODE 4830-01-M

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26 CFR Parts 20 and 25

[LR-213-76]

Qualified Disclaimers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the disclaimer of property conferred by gift or inheritance. Changes to the applicable law were made by the Tax Reform Act of 1976 and the Revenue Act of 1978. The regulations would provide the public with the guidance needed to comply with these Acts and would affect those persons who seek to disclaim an interest in property.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 22, 1980. The amendments are proposed to be effective for transfers creating an interest in the person disclaiming made after December 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:LR-213-76, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Kyllikki Kusma of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T:LR-213-76, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Estate Tax Regulations (26 CFR Part 20) under sections 2041, 2045, 2055 and 2056 of the Internal Revenue Code of 1954 and the Gift Tax Regulations (26 CFR Part 25) under Code sections 2511, 2514 and 2518. The amendments are proposed to conform the regulations to section 2009(b) of the Tax Reform Act of 1976 (90 Stat. 1893) and section 702 (m) of the Revenue Act of 1978 (92 Stat. 2935). The proposed amendments to the regulations under Code section 2056 are also proposed to conform the regulation to Pub. L. 89-621 (80 Stat. 872). The regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Prior Law

A disclaimer is the refusal to accept property or an interest in property conferred by gift, will, or operation of law. Prior to the Tax Reform Act of 1976, the tax consequences of a disclaimer were prescribed under several sections of the Internal Revenue Code and corresponding regulations, and by judicial decisions. Under this prior law, if a disclaimer was made within a reasonable time after knowledge of the existence of the transfer and was effective under State law, it was generally recognized for Federal estate and gift tax purposes and not treated as a taxable transfer by the person making the disclaimer. However, because State laws governing disclaimers are not uniform, identical refusals to accept property often had different Federal estate and gift tax consequences.

Qualified Disclaimers

The Tax Reform Act of 1976 added section 2518 to the Internal Revenue Code. This section describes the effect of "qualified disclaimers" of property or an interest in property. If the requirements of section 2518(b) are satisfied, the disclaimer is treated as a "qualified disclaimer" and will be recognized as effective for Federal estate and gift tax purposes. In the case of a qualified disclaimer, the disclaimed property is treated as passing directly from the original transferor to the person entitled to the property as a result of the disclaimer. Accordingly, a person making a qualified disclaimer is not treated as having either received or transferred property.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Kyllikki Kusma of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 20 and 25 are as follows:

Paragraph 1. Section 20.2041-3 (d) (6) is revised to read as follows:

§ 20.2041-3 Powers of appointment created after October 21, 1942.

* * * * *

(d) *Releases, lapses, and disclaimers of general powers of appointment.* * * *

(6)(i) A disclaimer or renunciation of a general power of appointment created after December 31, 1976, in the person desclaiming is not considered a release of the power if the disclaimer or renunciation is a qualified disclaimer as described in section 2518 and the corresponding regulations. If the disclaimer or renunciation is not a qualified disclaimer, it is considered a release of the power by the disclaimant.

(ii) The disclaimer or renunication of a general power of appointment created before January 1, 1977, in the person disclaiming is not considered to be a release of the power. The disclaimer or renunciation must be unequivocal and effective under local law. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. There can be no disclaimer or renunciation of a power after its acceptance. In the absence of facts to the contrary, the failure to renounce or disclaim within a reasonable time after learning of its existence will be presumed to constitute an acceptance of the power. In any case where a power is purported to be disclaimed or renounced as to only a portion of the property subject ot the power, the determination as to whether or not there has been a complete and unqualified refusal to accept the rights to which one is entitled will depend on all the facts and circumstances of the particular case, taking into account the recognition and effectiveness of such a disclaimer under local law. Such rights refer to the incidents of the power and not to other interests of the decedent in the property. If effective under local law, the power may be disclaimed or renounced without disclaiming or renouncing such other interests.

* * * * *

Par. 2. There is added immediately after § 20.2044–1, the following new section:

§ 20.2045–1 Disclaimed property.

This section shall apply to the disclaimer or renunciation of a transfer creating an interest in the person disclaiming made after December 31, 1976. If a qualified disclaimer is made with respect to such a transfer, the Federal estate tax provisions are to apply with respect to the property interest disclaimed as if the interest had never been transferred to the person making the disclaimer. See section 2518 and the corresponding regulations for rules relating to a qualified disclaimer.

Par. 3. Section 20.2055–2 (c) is amended to read as follows:

§ 20.2055–2 Transfers not exclusively for charitable purposes.

* * * * *

(c) *Disclaimers*—(1) *Decedents dying after December 31, 1976.* In the case of a bequest, devise, or transfer made by a decedent dying after December 31, 1976, the amount of a bequest, devise or transfer for which a deduction is allowable under section 2055 includes an interest which falls into the bequest, devise or transfer as the result of a qualified disclaimer. See section 2518 and the corresponding regulations for rules relating to a qualified disclaimer.

(2) *Decedents dying before January 1, 1977.* In the case of a bequest, devise or transfer made by a decedent dying before January 1, 1977, the amount of a bequest, devise or transfer, for which a deduction is allowable under section 2055 includes an interest which falls into the bequest, devise or transfer as a result of either—

(i) A disclaimer of a bequest, devise, transfer, or power, if the disclaimer is made within 9 months (15 months if the decedent died on or before December 31, 1970) after the decedent's death (the period of time within which the estate tax return must be filed under section 6075) or within any extension of time for filing the return granted pursuant to section 6081, and the disclaimer is irrevocable at the time the deduction is allowed, or

(ii) The complete termination of a power to consume, invade, or appropriate property for the benefit of an individual (whether the termination occurs by reason of the death of the individual, or otherwise) if the termination occurs within the period described in paragraph (c)(2)(i) of this section and before the power has been exercised. Ordinarily, a disclaimer made by a person not under any legal disability will be considered irrevocable when filed with the probate court. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. Thus, if a beneficiary uses these rights for his own purposes, as by receiving a consideration for his formal disclaimer, he has not refused the rights to which he was entitled. There can be no disclaimer after an acceptance of these rights, expressly or impliedly. The disclaimer of a power is to be distinguished from the release or exercise of a power. The release or exercise of a power by the donee of the power in favor of a person or object described in paragraph (a) of § 20.2055–1 does not result in any deduction under section 2055 in the estate of the donor of a power (but see paragraph (b)(1) of § 20.2055–1 with respect to the donee's estate).

* * * * *

Par. 4. Section 20.2056(a)–1 (a) is revised by deleting (in the last sentence) "§ 20.2056(d)–1 states special rules concerning disclaimers of interests in property;" and inserting in lieu of it "§§ 20.2056(d)–1 and 20.2056(d)–2 state special rules concerning disclaimers of interests in property;'".

Par. 5. Section 20.2056(a)–1 (b)(2) is amended by adding "§ 20.2056(d)–2," to follow "§ 20.2056(d)–1,".

Par. 6. Section 20.2056(d)–1 is redesignated as § 20.2056(d)–2 and a new § 20.2056(d)–1 is inserted in its place. These sections are amended to read as follows:

§ 20.2056(d)–1 Marital deduction; effect of disclaimers of post-December 31, 1976 transfers.

(a) *Disclaimer by a surviving spouse.* If a surviving spouse disclaims an interest in property passing to such spouse from the decedent in a transfer made after December 31, 1976, the efficacy of the disclaimer will be determined by section 2518 and the corresponding regulations. If a qualified disclaimer is made by the surviving spouse, the property interest disclaimed is treated as if such interest had never been transferred to the surviving spouse.

(b) *Disclaimer by a person other than a surviving spouse.* If an interest in property passes to one other than the surviving spouse from a decedent in a transfer made after December 31, 1976, and—

(1) The disclaimant makes a qualified disclaimer with respect to such interest in property, and

(2) The surviving spouse is entitled to such interest in property as a result of such disclaimer, the disclaimed interest is treated as passing directly from the decedent to the surviving spouse. If the disclaimer is not a qualified disclaimer, the interest in property is considered as passing from the decedent to the person who made the disclaimer as if the disclaimer had not been made. See section 2518 and the corresponding regulations for rules relating to a qualified disclaimer.

§ 20.2056(d)–2 Marital deduction; effect of disclaimers of pre-January 1, 1977 transfers.

(a) *Disclaimer by a surviving spouse.* If property passes to a decedent's surviving spouse in a transfer made by a decedent dying before January 1, 1977, and the decedent's surviving spouse makes a disclaimer of this property, the disclaimed interest is considered as passing from the decedent to the person

or persons entitled to receive the interest as a result of the disclaimer. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. It is, therefore, necessary to distinguish between the surviving spouse's disclaimer of a property interest and such surviving spouse's acceptance and subsequent disposal of a property interest. For example, if proceeds of insurance are payable to the surviving spouse and the proceeds are refused so that they consequently pass to an alternate beneficiary designated by the decedent, the proceeds are considered as having passed from the decedent to the alternate beneficiary. On the other hand, if the insurance company is directed by the surviving spouse to hold the proceeds at interest during such spouse's life and, upon this spouse's death, to pay the principal sum to another person designated by the surviving spouse, thus effecting a transfer of a remainder interest, the proceeds are considered as having passed from the decedent to the surviving spouse. See paragraph (c) of § 20.2056(e)–2 with respect to a spouse's exercise or failure to exercise a right to take against a decedent's will.

(b) *Disclaimer by a person other than a surviving spouse*—(1) *Decedents dying after October 3, 1966 and before January 1, 1977.* This paragraph (b)(1) applies in the case of a disclaimer of property passing to one other than the surviving spouse from a decedent dying after October 3, 1966 and before January 1, 1977. If a surviving spouse is entitled to receive property from the decedent as a result of the timely disclaimer made by the disclaimant, the property received by the surviving spouse is to be treated as passing to the surviving spouse from the decedent. Both a disclaimer of property passing by the laws of intestacy or otherwise, as by insurance or by trust, and a disclaimer of bequests and devises under the will of a decedent are to be fully effective for purposes of computing the marital deduction under section 2056. A disclaimer is a complete and unqualified refusal to accept some or all of the rights to which one is entitled. It must be a valid refusal under State law and must be made without consideration. For example, a disclaimer for the benefit of a surviving spouse who promises to give or bequeath property to a child of the person who disclaims is not a disclaimer within the meaning of this paragraph (b)(1). The disclaimer must be made before the person disclaiming accepts any property under the disclaimed interest. In the case of property transferred by a decedent dying after December 31, 1970, and before January 1, 1977, the disclaimer must be made within 9 months after the decedent's death (or within any extension of time for filing the estate tax return granted pursuant to section 6081). In the case of property transferred by a decedent dying after October 3, 1966, and before January 1, 1971, the disclaimer must be made within 15 months after the decedent's death (or within any extension of time for filing the estate tax return granted pursuant to section 6081). If the disclaimer does not satisfy the requirements of this paragraph (b)(1), for the purpose of the marital deduction, the property is considered as passing from the decedent to the person who made the disclaimer as if the disclaimer had not been made.

(2) *Decedents dying after September 30, 1963 and before October 4, 1966.* This paragraph (b)(2) applies in the case of a disclaimer of property passing to one other than the surviving spouse from a decedent dying after September 30, 1963 and before October 4, 1966. If, as a result of the disclaimer by the disclaimant, the surviving spouse is entitled to receive the disclaimed property interest, then such interest shall, for the purposes of this paragraph (b)(2), be considered as passing from the decedent to the surviving spouse if the following conditions are met. First, the interest disclaimed was bequeathed or devised to the disclaimant. Second, the disclaimant disclaimed all bequests and devises under the will before the date prescribed for the filing of the estate tax return. Third, the disclaimant did not accept any property under the bequest or devise before making the disclaimer. The interests passing by disclaimer to the surviving spouse under this paragraph (b)(2) are to qualify for the marital deduction only to the extent that, when added to any other allowable marital deduction without regard to this paragraph (b)(2), they do not exceed the greater of the deductions which would be allowable for the marital deduction without regard to the disclaimer if the surviving spouse exercised the election under State law to take against the will, or an amount equal to one-third of the decedent's adjusted gross estate. If the disclaimer does not satisfy the requirements of this paragraph (b)(2), the property is treated as passing from the decedent to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

(3) *Decedents dying before October 4, 1966.* Unless the rule of paragraph (b)(2) of this section applies, this paragraph (b)(3) applies in the case of a disclaimer of property passing to one other than the surviving spouse from a decedent dying before October 4, 1966. For the purpose of these transfers, it is unnecessary to distinguish for the purpose of the marital deduction between a disclaimer by a person other than the surviving spouse and a transfer by such person. If the surviving spouse becomes entitled to receive an interest in property from the decedent as a result of a disclaimer made by some other person, the interest is, nevertheless, considered as having passed from the decedent, not to the surviving spouse, but to the person who made the disclaimer, as though the disclaimer had not been made. If, as a result of a disclaimer made by a person other than the surviving spouse, a property interest passes to the surviving spouse under circumstances which meet the conditions set forth in § 20.2056(b)–5 (relating to a life estate with a power of appointment), the rule stated in the preceding sentence applies, not only with respect to the portion of the interest which beneficially vests in the surviving spouse, but also with respect to the portion over which such spouse acquires a power to appoint. The rule applies also in the case of proceeds under a life insurance, endowment, or annuity contract which, as a result of a disclaimer made by a person other than the surviving spouse, are held by the insurer subject to the conditions set forth in § 20.2056(b)–6.

Gift Tax Regulations

Par. 7. Section 25.2511–1 (c) is revised to read as follows:

§ 25.2511–1 Transfers in general.

* * * * *

(c)(1) In the case of a transfer creating an interest in the person disclaiming made after December 31, 1976, the gift tax also applies to gifts indirectly made. Thus, any transaction in which an interest in property is gratuitiously passed or conferred upon another, regardless of the means or device employed, constitutes a gift subject to tax. However, this paragraph (c)(1) shall not apply to the donee if, as a result of a qualified disclaimer by the donee, the property passes to a different donee. Nor shall it apply to a donor if, as a result of a qualified disclaimer by the donee, a completed transfer of an interest in property is not effected. See section 2518 and the corresponding regulations for rules relating to a qualified disclaimer.

(2) In the case of transfers creating an interest in the person disclaiming made before January 1, 1977, the gift tax also applies to gifts indirectly made. Thus, all transactions whereby property or property rights or interests are gratuitously passed or conferred upon

another, regardless of the means or device employed, constitute gifts subject to tax. See further § 25.2512–8 relating to transfers for insufficient consideration. Where the law governing the administration of the decedent's estate gives a beneficiary, heir, or next-of-kin a right completely and unqualifiedly to refuse to accept ownership of property transferred from a decedent (whether the transfer is effected by the decedent's will or by the law of descent and distribution of interstate property), a refusal to accept ownership does not constitute the making of a gift if the refusal is made within a reasonable time after knowledge of the existence of the transfer. The refusal must be unequivocable and effective under the local law. There can be no refusal of ownership of property after its acceptance. In the absence of the facts to the contrary, if a person fails to refuse to accept a transfer to him of ownership of a decedent's property within a reasonable time after learning of the existence of the transfer, he will be presumed to have accepted the property. Where the local law does not permit such a refusal, any disposition by the beneficiary, heir, or next-of-kin whereby ownership is transferred gratuitously to another constitutes the making of a gift by the beneficiary, heir, or next-of-kin. In any case where a refusal is purported to relate to only a part of the property, the determination of whether or not there has been a complete and unqualified refusal to accept ownership will depend on all of the facts and circumstances in each particular case, taking into account the recognition and effectiveness of such a purported refusal under the local law. In illustration, if Blackacre was devised to A under the decedent's will (which also provided that all lapsed legacies and devises shall go to B, the residuary beneficiary), and under the local law A could refuse to accept ownership in which case title would be considered as never having passed to A, A's refusal to accept Blackacre within a reasonable time of learning of the devise will not constitute the making of a gift by A to B. However, if a decedent who owned Greenacre died interstate with C and D as his only heirs, and under local law the heir of an interstate cannot, by refusal to accept, prevent himself from becoming an owner of interstate property, any gratuitous disposition by C (by whatever term it is known) whereby he gives up his ownership of a portion of Greenacre and D acquires the whole thereof constitutes the making of a gift by C to D.

* * * * *

Par. 8. Section 25.2514–3 (c) is revised by adding headings to subparagraphs (1) through (4), by revising the current subparagraph (5) and renumbering it as (6), and by adding a new subparagraph (5). As revised, § 25.2514–3 (c) reads as follows:

§ 25.2514–3 Powers of appointment created after October 21, 1942.

* * * * *

(c) *Partial releases, lapses, and disclaimers of general powers of appointment created after October 21, 1942—(1) Partial release of power.* * * *

(2) *Power partially released before June 1, 1951.* * * *

(3) *Power partially released after May 31, 1951.* * * *

(4) *Release or lapse of power.* * * *

(5) *Disclaimer of power created after December 31, 1976.* A disclaimer or renunciation of a general power of appointment created after December 31, 1976, in the person disclaiming is not considered a release of the power for gift tax purposes if the disclaimer or renunciation is a qualified disclaimer as described in section 2518 and the corresponding regulations. If the disclaimer or renunciation is not a qualified disclaimer, it is considered a release of the power.

(6) *Disclaimer of power created before January 1, 1977.* A disclaimer or renunciation of a general power of appointment created before January 1, 1977, in the person disclaiming is not considered a release of the power. The disclaimer or renunciation must be unequivocal and effective under local law. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. There can be no disclaimer or renunciation of a power after its acceptance. In the absence of facts to the contrary, the failure to renounce or disclaim within a reasonable time after learning of the existence of a power shall be presumed to constitute an acceptance of the power. In any case where a power is purported to be disclaimed or renounced as to only a portion of the property subject to the power, the determination as to whether there has been a complete and unqualified refusal to accept the rights to which one is entitled will depend on all the facts and circumstances of the particular case, taking into account the recognition and effectiveness of such a disclaimer under local law. Such rights refer to the incidents of the power and not to other interests of the possessor of the power in the property. If effective under local law, the power may be disclaimed or renounced without disclaiming or renouncing such other interests.

* * * * *

Par. 9. There is added in the appropriate place the following new sections:

§ 25.2518–1 Qualified disclaimers of property; in general.

(a) *Applicability.* The rules described in §§ 25.2518–1 through 25.2518–4 apply to the qualified disclaimer of transfers creating an interest in the person disclaiming made after December 31, 1976. In general, a qualified disclaimer is an irrevocable and unqualified refusal to accept the ownership of an interest in property. For rules relating to the determination of whether a disclaimer is a qualified disclaimer, see § 25.2518–2 (a), (b), (c), (d), and (e). For rules relating to the determination of when a transfer occurs, see the regulations at § 25.2518–2 (c) (2) and (3).

(b) *Effect of a qualified disclaimer.* If a person makes a qualified disclaimer as described in section 2518 (b) and § 25.2518–2, for purposes of the Federal estate, gift, and generation-skipping transfer tax provisions, the disclaimed interest in property is treated as if it had never been transferred to the person making the qualified disclaimer. Instead, it is considered as passing directly from the transferor of the property to the person entitled to receive the property as a result of the disclaimer. Accordingly, a person making a qualified disclaimer is not treated as making a gift. Similarly, the value of a decendent's gross estate for purposes of the Federal estate tax does not include the value of property with respect to which the decedent, or the decedent's executor or administrator on behalf of the decedent, has made a qualified disclaimer. If the disclaimer is not a qualified disclaimer, for the purposes of the Federal estate, gift, and generation-skipping tax provisions, the disclaimer is disregarded and the disclaimant is treated as transferring the disclaimed property to the person entitled to the property as a result of the disclaimer.

(c) *Effect of local law—*(1) *In general.* If a disclaimer is not effective under applicable local law to divest ownership of the disclaimed property in the disclaimant and to vest it in another, the disclaimer is not a qualified disclaimer under section 2518.

(2) *Creditor's claims.* Whether a disclaimer that affects creditors of the disclaimant is a qualified disclaimer depends upon the rights of creditors under local law. A disclaimer will constitute a qualified disclaimer within the meaning of section 2518(b) only if under local law the disclaimed property is free from claims of the disclaimant's

creditors. To the extent that local law permits the disclaimant's creditors to satisfy their claims out of the disclaimed property, the disclaimer is not a qualified disclaimer.

(3) *Eligible interest.* A qualified disclaimer within the meaning of section 2518(b) can be made only with respect to an interest which under local law can be the subject of a disclaimer. See § 25.2518–2(d)(2) for rules relating to the immediate vesting of title in the disclaimant.

(4) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). F died testate in State Y on June 17, 1978. G and H are beneficiaries under the will. The will provides that any disclaimed property is to pass to the residuary estate. Under the applicable laws of State Y, a disclaimer must be made within 6 months of a taxable transfer. Seven months after F's death, H disclaimed the property H received under the will. Additionally, H disclaimed any interest that H might receive by the laws of intestacy. Because the disclaimer by H was not timely, it was not effective under the laws of State Y to divest ownership of the property in H and to vest it in another. Therefore, H has not made a qualified disclaimer for Federal gift tax purposes. The result would be the same if state law treated the ineffective disclaimer as a transfer by H.

Example (2). H died testate in State Z on October 31, 1979, leaving his entire estate to W. Five months later W died. At the time of W's death, W had not accepted any of the property she was to receive under H's will. On May 31, 1979, the executor of W's estate disclaimed 75 percent of the property W was to receive under H's will. The disclaimer laws of State Z recognize the right to disclaim a fractional share and the right of an executor to disclaim on behalf of a decedent. Assuming the remaining requirements of section 2518(b) are met, the executor's disclaimer is treated as a qualified disclaimer under section 2518(a). See § 25.2518–2(d) relating to the effect of accepting property prior to making a disclaimer and § 25.2518–3 relating to the disclaimer of less than an entire interest in property.

(d) *Cross-reference.* For rules relating to the effect of qualified disclaimers on the estate tax charitable and marital deductions, see §§ 20.2055–2(c) and 20.2056(d)–1 respectively. For rules relating to the effect of a qualified disclaimer of a general power of appointment, see § 20.2041–3(d).

§ 25.2518–2 Requirements for a qualified disclaimer; in general.

(a) *In general.* For the purposes of section 2518(a), a disclaimer shall be a qualified disclaimer only if it satisfies the requirements of this section. In general, to be a qualified disclaimer—

(1) The disclaimer must be irrevocable and unqualified;

(2) The disclaimer must be in writing;

(3) The writing must be received by a person specified in paragraph (b) of this section not later than the date which is 9 months after the later of—

(i) The date on which the transfer creating the interest in the disclaimant is made, or

(ii) The day on which the disclaimant attains age 21;

(4) The disclaimant must not have accepted the interest disclaimed or any of its benefits; and

(5) The interest disclaimed must pass either to the spouse of the decedent or to a person other than the disclaimant without any direction on the part of the person making the disclaimer.

(b) *Writing*—(1) *Requirements.* A disclaimer is a qualified disclaimer only if it is in writing. The writing must identify the interest in property disclaimed and be signed either by the disclaimant or by the disclaimant's legal representative.

(2) *Delivery.* The writing described in paragraph (b)(1) of this section must be delivered to the transfer of the interest, the transferor's legal representative, or the holder of the legal title to the property to which the interest relates. In addition, the delivery of the writing must meet any additional requirements imposed by local law on such delivery that affect the validity of the disclaimer.

(c) *Time Limit*—(1) *In general.* A disclaimer is a qualified disclaimer only if the writing described in paragraph (b)(1) of this section is received by the transferor of the interest, the transferor's legal representative, or the holder of the legal title to which the interest relates not later than the date which is 9 months after the later of—

(i) The date on which the transfer creating the interest in the disclaimant is made, or

(ii) The day on which such person attains age 21.

Section 7502 relating to the treatment of timely mailing as timely filing does not apply with respect to these regulations. For provisions applicable to the time for performance of acts when the last day falls on Saturday, Sunday or a legal holiday, see § 301.7503–1 of the regulations on Procedure and Administration. In general, an interest may be disclaimed 9 months after the date of the disclaimant's twenty-first birthday even though the disclaimant received benefits from the property without any action on his part before attaining 21 years of age. See example (5) of § 25.2518–2(d)(1)(iii). However, if an individual retains the fee ownership of property or an undivided interest in property for more than nine months beyond the age that individual has the legal capacity, under applicable state law, to disclaim such interest, the individual has accepted the benefits of the interest. See example (7) of § 25.2518–2(d)(1)(iii).

(2) *Transfer.* For purposes of the time limitation described in paragraph (c)(1)(i) of this section, the 9-month period for making a disclaimer is to be determined with reference to each taxable transfer. With respect to inter vivos transfers, a taxable transfer occurs when there is a completed transfer for Federal gift tax purposes. With respect to testamentary transfers, a taxable transfer occurs upon the data of the decedent's death. In the case of a general power of appointment, the holder of the power has a 9-month period after the creation of the power in which to disclaim and the person to whom the property passes by reason of the exercise or lapse of the general power may disclaim within a 9-month period after either the lapse or the exercise of the power by the holder. In the case of a special power of appointment, the holder of the power, permissible appointees, or takers in default of appointment must disclaim within a 9-month period after the creation of the power. Where the transfer is for the life of an income beneficiary with succeeding interests to other persons, both the life tenant and the other takers, whether their interests are vested or contingent, must disclaim within 9 months after the original taxable transfer. However, see paragraph (c)(1)(ii) of this section for the time limitation rule with reference to recipients who are under 21 years of age. See also the rules under paragraph (d)(3)(ii) of this section relating to the timely disclaimer of joint tenancy or a tenancy by the entirety.

(3) *Examples.* The provisions of paragraph (c) (1) and (2) of this section may be illustrated by the following examples:

Example (1). On May 13, 1978, in a transfer complete for gift tax purposes, A established a trust in which B was given a lifetime interest in the income from the trust. B was also given a special testamentary power of appointment over the corpus of the trust. The power of appointment may be exercised in favor of any of the issue of A and B. If there are no surviving issue at B's death or if the power is not exercised, the corpus is to pass to E. On May 13, 1978, A and B have two surviving children, C and D. Each of the beneficiaries is over 21 years of age on May 13, 1978. If either B, C, D or E wish to make a qualified disclaimer of their respective interests in the trust, each must make such disclaimer not later than 9 months after May 13, 1978.

Example (2). Assume the same facts as in example (1) except that B was given a general power of appointment over the corpus of the

trust. B exercised the general power of appointment in favor of C upon B's death on June 17, 1989. B could have made a qualified disclaimer not later than 9 months after May 13, 1978, while C may make a qualified disclaimer not later than 9 months after June 17, 1989. If B were to have died without exercising the general power of appointment, E could have made a qualified disclaimer not later than 9 months after June 17, 1989.

Example (3). F established a generation skipping trust (section 2611(b)) on April 1, 1978, in which F's child G is to receive the income from the trust for life. Upon G's death, the corpus of the trust is to pass to G's child H, who was 22 years of age on April 1, 1978. If either G or H wishes to make a qualified disclaimer, it must be made not later than 9 months after April 1, 1978.

Example (4). A established a trust on February 15, 1978, in which B was named the income beneficiary for life. The trust further provided that upon B's death the proceeds of the trust are to pass to C, if then living. If C predeceases B, the proceeds shall pass to D or D's estate. Each of the beneficiaries is over 21 years of age on February 15, 1978. To have timely disclaimers for purposes of section 2518, B, C, and D must disclaim their respective interests not later than 9 months after February 15, 1978.

Example (5). A, a resident of State Q, died on January 10, 1979, devising certain real property to B who was over 21 years of age on this date. The disclaimer laws of State Q require that a disclaimer be made within a reasonable time after a transfer. B disclaimed the entire interest in real property on November 10, 1979. Although B's disclaimer was effective under State law, it is not a qualified disclaimer under section 2518 because the disclaimer was made later than 9 months after the taxable transfer to B.

(d) *No acceptance of benefits*—(1) *In general*—(i) *Acceptance.* A qualified disclaimer cannot be made with respect to an interest in property if the disclaimant has accepted the interest or any of its benefits, expressly or impliedly, prior to making the disclaimer. If there is an express or implied agreement that the disclaimed interest in property is to be given or bequeathed to a person specified by the disclaimant, the disclaimant shall be treated as accepting the property. The exercise of a power of appointment to any extent by the donee of the power is an acceptance of its benefits. In addition, the acceptance of any consideration in return for making the disclaimer is an acceptance of the benefits of the interest disclaimed. See, however, the rule at § 25.2518–2(c)(1) relating to disclaimers by persons who received an interest prior to their attaining the age of 21 years.

(ii) *Fiduciaries.* If a beneficiary who disclaims an interest in property is also a fiduciary, actions taken by such person in the exercise of fiduciary powers to preserve or maintain the disclaimed property shall not be treated as an acceptance of such property or any of its benefits. Under this rule, for example, an executor who is also a beneficiary may direct the harvesting of a crop or the general maintenance of a home. A fiduciary, however, cannot retain discretionary power to direct the enjoyment of the disclaimed interest. For example, a fiduciary's disclaimer of a beneficial interest does not meet the requirements of a qualified disclaimer if the fiduciary exercised or retains a power to allocate enjoyment of that interest among members of a designated class. See paragraph (e) of this section for rules relating to the effect of directing the redistribution of disclaimed property.

(iii) *Examples.* The provisions of paragraph (d)(1)(i) and (ii) of this section may be illustrated by the following examples:

Example (1). On April 9, 1977, A established a trust for the benefit of B, then age 22. Under the terms of the trust, the current income of the trust is to be paid quarterly to B. Additionally, one half the principal is to be distributed to B when B attains the age of 30 years. The balance of the principal is to be distributed to B when B attains the age of 40 years. Pursuant to the terms of the trust, B received a distribution of income on June 30, 1977. On August 1, 1977, B disclaimed B's right to receive both the income from the trust and the principal of the trust. B's disclaimer of the income interest is not a qualified disclaimer for purposes of section 2518(a) because B accepted income prior to making the disclaimer. B's disclaimer of the principal, however, does satisfy section 2518(b)(3). See also § 25.2518–3 for rules relating to the disclaimer of less than an entire interest in property.

Example (2). B is the recipient of certain property devised to B under the will of A. The will stated that any disclaimed property was to pass to C. B and C entered into negotiations in which it was decided that B would disclaim all interest in the real property that was devised to B. In exchange, C promised to let B live in the family home for life. B's disclaimer is not a qualified disclaimer for purposes of section 2518(a) because B accepted consideration for making the disclaimer.

Example (3). A received a gift of Blackacre on December 25, 1978. A never resided on Blackacre, but when property taxes on Blackacre became due on July 1, 1979, A paid them out of personal funds. On August 15, 1979, A disclaimed the gift of Blackacre. A's disclaimer does not satisfy section 2518(b)(3) because A's payment of the taxes was an implied acceptance of the property.

Example (4). A died on February 15, 1978. Pursuant to A's will, B received a farm in State Z. B requested the executor to sell the farm and to give the proceeds to B. B then disclaimed $50,000 of the proceeds from the sale of the farm. B's disclaimer is not a qualified disclaimer of a part of a specific pecuniary bequest because the direction to sell constituted an acceptance of the bequest. See also § 25.2518–3 for rules relating to the disclaimer of less than an entire interest in property.

Example (5). In 1979, D established a trust for the benefit of D's minor child, E. Under the terms of the trust, the trustee is given the power to make discretionary distributions of current income to E. The corpus of the trust is to be distributed to E when E becomes 35 years of age. Prior to attaining the age of 21 years on April 8, 1982, E had received several distributions of income from the trust. E received no distributions of income in the period between April 8, 1982, and August 15, 1982, when E disclaimed all interest in the income from the trust. If the remaining requirements of section 2518 are met, E's disclaimer is a qualified disclaimer under section 2518(a). To make a qualified disclaimer of the interest in corpus, E also must disclaim the corpus interest within 9 months after April 8, 1982.

Example (6). Assume the same facts as in example (5) except that E received a distribution of income on May 13, 1982. E's disclaimer is not a qualified disclaimer under section 2518(a) because E, after attaining the age of 21, accepted benefits from the income interest.

Example (7). F made a gift of 10 shares of stock in corporation M to G as custodian for H under the State X Uniform Gifts to Minors Act. The age of majority in State X is 18. At the time of the gift, H was 15 years old. At age 18 the 10 shares were delivered to and registered in the name of H. Within 9 months of attaining age 21 H disclaimed the 10 shares. The disclaimer is not a qualified disclaimer under section 2518(a) because H received fee ownership of the shares upon his eighteenth birthday and failed to disclaim the shares within 9 months thereafter.

(2) *Effect of vesting of title in disclaimant.* A disclaimant is not considered as accepting property merely because under applicable local law title to the property vests immediately in the disclaimant upon the death of a decedent.

(3) *Joint ownership.* To have a qualified disclaimer under section 2518 in the case of an interest in a joint tenancy (other than a revocable joint tenancy, such as a revocable joint bank account) or a tenancy by the entirety, the disclaimer—

(i) Must be made with respect to the entire interest in property which is the subject of the tenancy,

(ii) Must be made within 9 months of the creation of the tenancy, and

(iii) Must meet each of the remaining requirements enumerated in section 2518(b).

(e) *Passage without direction of beneficial enjoyment of disclaimed interest.*

(1) *In general.* A disclaimer is not a qualified disclaimer unless the disclaimed interest passes without any direction on the part of the disclaimant to a person other than the disclaimant

(except as provided in paragraph (e)(2) of this section). The requirements of a qualified disclaimer under section 2518 are not satisfied if—

(i) The disclaimant, either alone or in conjunction with another, directs the redistribution or transfer of the property or interest in property to another person; or

(ii) The disclaimed property or interest in property passes to or for the benefit of the disclaimant as a result of the disclaimer (except as provided in paragraph (e)(2) of this section).

If a power of appointment is disclaimed, the requirements of this paragraph (e)(1) are satisfied so long as there is no direction on the part of the disclaimant with respect to the transfer of the interest subject to the power or with respect to the transfer of the power to another person.

(2) *Disclaimer by surviving spouse.* In the case of a disclaimer made by a decedent's surviving spouse with respect to property transferred by the decedent, the disclaimer satisfies the requirements of this paragraph (e)(2) if the interest passes as a result of the disclaimer without direction on the part of the surviving spouse either to the surviving spouse or to another person. If the surviving spouse, however, retains the right to direct the beneficial enjoyment of the disclaimed property in a transfer that is not subject to Federal estate and gift tax, such spouse will be treated as directing the benefical enjoyment of the disclaimed property. See example (4), (5), and (6) in paragraph (e)(5) of this section.

(3) *Partial failure of disclaimer.* If a disclaimer is not effective to pass completely an interest in property to a person other than the disclaimant because—

(i) The disclaimant has a right to receive such property as an heir at law, residuary beneficiary, or by any other means; and

(ii) The disclaimant does not effectively disclaim the right to receive such property, the disclaimer is not a qualified disclaimer with respect to the portion of the disclaimed property which the disclaimant has a right to receive. If the disclaimed interest in property is not severable, the entire interest is treated as passing to the disclaimant.

(4) *Effect of precatory language.* Precatory language in a disclaimer naming takers of disclaimed property will not be considered as directing the redistribution or transfer of the property or interest in property to such persons if the applicable State law gives the language no legal effect.

(5) Examples. The provisions of this paragraph (e) may be illustrated by the following examples:

Example (1). A, a resident of State X, died on July 30, 1978. Pursuant to A's will, B received the family home which has a fair market value of $120,000. In addition, B and C each received 50 percent of A's residuary estate. B disclaimed the home. A's will made no provision for the distribution of property in the case of a beneficiary's disclaimer. Therefore, pursuant to the disclaimer laws of State X, the disclaimed property became part of the residuary estate. Because B's 50 percent share of the residuary estate will be increased by 50 percent of the value of the family home, the disclaimed property will not pass solely to another person. Consequently, B's disclaimer of the family home is a qualified disclaimer only with respect to the 50 percent portion ($60,000) that passes solely to C. Had B also disclaimed B's 50 percent interest in the residuary estate, the disclaimer would have been a qualified disclaimer under section 2518 of the entire interest in the home (assuming the remaining requirements of a qualified disclaimer were satisfied).

Example (2). D, a resident of State Y, died testate on June 30, 1978. E, an heir at law of D, received specific bequests of certain severable personal property from D. E disclaimed the property transferred by D under the will. The will had no residuary clause and made no provision for the distribution of property in the case of a beneficiary's disclaimer. The disclaimer laws of State Y provide that such property shall pass to the decedent's heirs at law in the same manner as if the disclaiming beneficiary had died immediately before the testator's death. Because State law treats E as predeceasing D, the property disclaimed by E does not pass to E as an heir at law. Consequently, if the remaining requirements of section 2518 (b) are satisfied, E's disclaimer is a qualified disclaimer under section 2518 (a).

Example (3). Assume the same facts as in example (2) except that State Y has no provision treating the disclaimant as predeceasing the testator. E's disclaimer satisfies section 2518 (b)(4) only to the extent that E does not have a right to receive the property as an heir at law. Had E disclaimed both the share E received under D's will and E's intestate share, the requirement of section 2518 (b)(4) would have been satisfied.

Example (4). B died testate on February 13, 1980. B's will established both a marital trust and a nonmarital trust. The decedent's surviving spouse, A, is an income beneficiary of the marital trust and has a testamentary general power of appointment over its assets. A is also an income beneficiary of the nonmarital trust. The provisions of the will specify that any portion of the marital trust disclaimed is to be added to the nonmarital trust. A disclaimed 30 percent of the marital trust. (See § 25.2518–3 (b) for rules relating to the disclaimer of an undivided portion of an interest in property.) Pursuant to the will, this amount was transferred to the nonmarital trust without any direction on the part of A. This disclaimer by A satisfies section 2518 (b)(4).

Example (5). Assume the same facts as in example (4) except that A, the surviving spouse, has both an income interest in the nonmarital trust and a special power to appoint among designated beneficiaries. The requirements of section 2518 (b)(4) are not satisfied unless A also disclaims the special power of appointment over the nonmarital trust.

Example (6). Assume the same facts as in example (4) except that A has both an income interest in the nonmarital trust and a power to invade corpus if needed for A's health or maintenance. In addition, an independent trustee has power to distribute to A any portion of the corpus which the trustee determines to be desirable for A's happiness. Assuming the other requirements of section 2518 are satisfied, A may make a qualified disclaimer of all interests in the marital trust without disclaiming any of A's interests in the nonmarital trust. A's retained interest as a potential distributer of the corpus of the nonmarital trust does not prevent A's disclaimer from constituting a qualified disclaimes because any portion of the nonmarital trust passing to another pursuant to A's direction will be subject to transfer tax.

Example (7). A died testate on June 1, 1979. A's will established two trusts. A's child, B, is the sole beneficiary of trust X and is one of three equal beneficiaries of trust Y. The provisions of A's will specify that any disclaimed property is to be added to trust Y. B disclaimed 30 percent of B's interest in trust X. Pursuant to A's will, this amount was transferred to trust Y. Assuming the remaining requirements of section 2518(b) are met, B's disclaimer is a qualified disclaimer of 20 percent of the property in trust X (30% transferred to trust Y times the ⅔ interest in trust Y of beneficiaries other than B).

Example (8). A, a resident of State X, died on July 19, 1979. A was survived by a spouse B, and three children, C, D, and E. Pursuant to A's will, B received one-half of A's estate and the children received equal shares of the remaining one-half of the estate. B disclaimed the entire interest B had received. The will made no provisions for the distribution of property in the case of a beneficiary's disclaimer. The disclaimer laws of State X provide that under these circumstances disclaimed property passes to the decedent's heirs at law in the same manner as if the disclaiming beneficiary had died immediately before the testator's death. As a result, C, D, and E are A's only remaining heirs at law, and will divide the disclaimed property equally among themselves. B's disclaimer includes language stating that "it is my intention that C, D, and E will share equally in the division of this property as a result of my disclaimer." State X considers these to be precatory words and gives them no legal effect. B's disclaimer meets all other requirements imposed by State X on disclaimers, and is considered an effective disclaimer under which the property will vest solely in C, D, and E in equal shares without any further action required by B. Therefore, B is not treated as directing the redistribution or transfer of the property. If the remaining requirements of section 2518 are met, B's disclaimer is a qualified disclaimer.

§ 25.2518–3 Disclaimer of less than an entire interest.

(a) *Disclaimer of a partial interest*—(1) *In general*—(i) *Interest.* If the requirements of this section are met, the disclaimer of an entire interest in property may be a qualified disclaimer even if the disclaimant has another interest in the same property. For purposes of this requirement, all income interests beneficially owned by a person shall be considered one interest in property and all beneficial interests in corpus shall be another interest. Thus, if an income interest in securities is bequeathed to A for life, then to B for life, with the remainder interest in such securities bequeathed to A's estate, if the remaining requirements of section 2518(b) are met, A could make a qualified disclaimer of either the income interest, the remainder, or an undivided portion of either interest without disclaiming another interest. A could not, however, make a qualified disclaimer of the income interest for 10 years. Moreover, if the property is divided in a manner that would permit the disclaimant to avoid the limitations of section 2518, the separate interests created by the grantor are treated as one indivisible interest. If State law merges separate interests transferred to a beneficiary, a disclaimer of any interest in property which consists of less than the entire merged interest or an undivided portion of such merged interest is not a qualified disclaimer. See § 25.2518–3(b) for rules relating to the disclaimer of an undivided portion.

(ii) *Severable property.* A disclaimant shall be treated as making a disclaimer of an entire interest in property if the disclaimer relates to severable property and the disclaimant makes a qualified disclaimer with respect to specific items. Severable property is property which can be separated from other property to which it is joined and which, after severance, maintains a complete and independent existence. For example, a legatee of shares of corporate stock may accept some shares of the stock and make a qualified disclaimer of the remaining shares.

(2) *In trust.* A disclaimer is not a qualified disclaimer under seciton 2518 if the beneficiary disclaims income derived from specific properties transferred in trust while continuing to accept income derived form the remaining properties in the same trust. Similarly, since all interests in the corpus of a trust are treated as a single interest, in order to have a qualified disclaimer of an interest in corpus the disclaimant must disclaim all such interests, either totally or as an undivided portion. Thus, if a disclaimant has a testamentary power of appointment over the trust corpus coupled with either an inter vivos power to invade corpus or an interest as a discretionary appointee of corpus, a disclaimer by that person can constitute a qualified disclaimer only if both such interests are disclaimed. Moreover, a disclaimer of both an income interest and a remainder interest in specific trust assets is not a qualified disclaimer if the beneficiary retains interests in other trust property. The disclaimer of either the entire interest in income, corpus, or both or a disclaimer of an undivided portion of such interests may be a qualified disclaimer. If separate taxable transfers to the same trust are made at different times, or if transfers are made by different transferors, a qualified disclaimer can be made with respect to each transfer as though it were a separate trust. See also paragraph (b) of this section for rules relating to the disclaimer of an undivided portion of an interest in property.

(b) *Disclaimer of undivided portion.* A disclaimer of an undivided portion of an interest in property which meets the other requirements of a qualified disclaimer under section 2518(b) and the corresponding regulations is a qualified disclaimer. An undivided portion of a disclaimant's entire interest in property must consist of a fraction or percentage of each and every substantial interest or right owned by the disclaimant in such property and must extend over the entire term of the disclaimant's interest in such property and in other property into which such property is converted. A disclaimer which disclaims some specific rights and retains other rights with respect to an interest in the property is not a qualified disclaimer of an undivided portion of the disclaimant's entire interest in property. Thus, for example, a disclaimer is not a qualified disclaimer if the disclaimant disclaims the fee simple in Blackacre, but retains a life estate.

(c) *Disclaimer of a pecuniary interest.* A disclaimer of part of a specific pecuniary amount which satisfies the other requirements of a qualified disclaimer under section 2518(b) and the corresponding regulations is a qualified disclaimer under section 2518. See example (4) at § 25.2518–2(d)(1) for an illustration of this rule.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A, a resident of State Q, died on August 1, 1978. A's will provided for the disposition of 100 shares of stock in X corporation; 200 shares of stock in Y corporation; 500 shares of stock in Z corporation; personal property consisting of paintings, home furnishings, jewelry, and silver; and a 500 acre farm consisting of a residence, various outbuildings, and 500 head of cattle. The laws of State Q provide that a disclaimed interest passes in the same manner as if the disclaiming beneficiary had died immediately before the testator's death. Pursuant to A's will, B was to receive both the personal property and the farm. C was to receive all the shares of stock in Corporation X and Y and D was to receive all the shares of stock in Corporation Z. B disclaimed 2 of the paintings and all the jewelry, C disclaimed 50 shares of Y corporation stock, and D disclaimed 100 shares of Z corporation stock. If the remaining requirements of section 2518(b) and the corresponding regulations are met, each of these disclaimers is a qualified disclaimer for purposes of section 2518(a).

Example (2). Assume the same facts as in example (1) except that D disclaimed the income interest in the shares of Z corporation stock while retaining the remainder interest in such shares. D's disclaimer is not a qualified disclaimer.

Example (3). Assume the same facts as in example (1) except that B discalimed 300 of the 500 acres passed to B under the will. Assuming that B's disclaimer meets the remaining requirements of section 2518 (b), it is a qualified disclaimer.

Example (4). Assume the same facts as in example (1) except that A devised the income from the farm to B for life and the remainder interest to C. B disclaimed 40 percent of the income from the farm. Assuming that it meets the remaining requirements of section 2518 (b), B's disclaimer of an undivided portion of the income is a qualified disclaimer.

Example (5). E, a resident of State J, died on September 13, 1978. Under the provisions of E's will, E's shares of stock in X, Y, and Z corporations were to be transferred to a trust. The trust provides that all income is to be distributed currently to F and G in equal parts until F attains the age of 45 years. At that time the corpus of the trust is to be divided equally between F and G. F disclaimed the income arising from the shares of X stock. G disclaimed 20 percent of G's interest in the trust. F's disclaimer is not a qualified disclaimer. If the remaining requirements of section 2518 (b) are met, G's disclaimer is a qualified disclaimer.

Example (6). Assume the same facts as in example (5) except that F disclaimed both the income interest and the remainder interest in the shares of X stock. F's disclaimer is not a qualified disclaimer under section 2518 (b).

Example (7). Assume the same facts as in example (5) except that F is only an income beneficiary of the trust. F's disclaimer is not a qualified disclaimer under section 2518.

Example (8). Assume the same facts as in example (5) except that F disclaimed the entire income interest in the trust while retaining the interest F has in corpus. Alternatively, assume that G disclaimed G's entire corpus interest while retaining G's interest in the income from the trust. If the remaining requirements of section 2518 (b) are met, either disclaimer will be a qualified disclaimer.

Example (9). Trust A was created on May 13, 1979, with H, I, and J as the income

beneficiaries of the trust. In addition, H had a testamentary general power of appointment over the corpus of the trust. H disclaimed the power of appointment. If the remaining requirements of section 2518 (b) are met, H's disclaimer is a qualified disclaimer.

Example (10). Assume the same facts as in example (9), and in addition assume that H has an inter vivos power to invade the corpus. Whether or not the power to invade corpus is limited by an ascertainable standard, H's disclaimer of either power is not a qualified disclaimer unless H also disclaims the other power.

Example (11). H, who is one of 3 income beneficiaries of a trust, holds a testamentary general power of appointment over the corpus. Additionally, the trustee has a discretionary power to invade corpus for the benefit of H. The laws of State Z permit a beneficiary to disclaim each of these interests. H disclaimed the testamentary general power of appointment. The disclaimer is not a qualified disclaimer under section 2518 (a) because H did not disclaim H's entire interest in corpus.

Example (12). If, on the facts in example (11) H also disclaimed H's interest as a permissible appointee of corpus, H's disclaimer would meet the requirements of § 25.2518–3 (a) (2).

Example (13). Under the provisions of G's will A received a life estate in a farm, and was the sole beneficiary of property in the residuary estate. The will also provided that the remainder interest in the farm pass to the residuary estate. Under State law A's interests merged to give A a fee simple in the farm. A made a timely disclaimer of the life estate. A's disclaimer of a partial interest is not a qualified disclaimer under section 2518.

Example (14). C died testate on January 1, 1979. According to the will, D was to receive ⅓ of the residuary estate with any disclaimed property going to E. D was also to receive a second ⅓ of the residuary estate with any disclaimed property going to F. Finally, D was to receive a final ⅓ of the residuary estate with any disclaimed property going to G. D disclaimed the interest in which the disclaimed property is designated to pass to E. Because C divided the property in a manner that would permit the disclaimant to avoid the limitations of section 2518, D's disclaimer is not a qualified disclaimer under section 2518. See also the rules at § 25.2518–2(e) for rules relating to the effect of directing the beneficial enjoyment of the disclaimed property.

Example (15). B was the life income beneficiary and sole trustee of an irrevocable trust created by A. The trustee was empowered to invade corpus for B's "health, maintenance and happiness." B disclaimed the trustee power to invade corpus for B's "happiness." Because B did not disclaim all powers to invade corpus, the disclaimer is not a qualified disclaimer under section 2518.

§ 25.2518–4 Life insurance and annuity contracts.

(a) *In general.* For purposes of the Federal gift and estate tax provisions, if proceeds of a life insurance or annuity contract are payable to a named beneficiary or annuitant, and, as a result of a disclaimer by such beneficiary or annuitant, the proceeds are received by an alternate beneficiary or annuitant designated by the decedent or determined by State law, the proceeds are considered as passing from the decedent to the alternate beneficiary or annuitant. Therefore, the disclaimer satisfies section 2518(b)(4). The result is the same if an independent fiduciary names another beneficiary or annuitant prior to the acceptance by the disclaimant of any benefits under the policy of contract. If the disclaimant directs the insurance company to hold the proceeds at interest during the disclaimant's life and upon death to pay the principal sum to another person designated by the disclaimant, the proceeds are considered as passing from the decedent to the disclaimant, and the disclaimer does not satisfy either section 2518(b)(3) or section 2518(b)(4).

(b) *Timing of disclaimer.* The disclaimer of the right to proceeds payable under a life insurance policy or annuity contract must be made no later than—

(1) Nine months after the transfer is complete for gift tax purposes if the transfer is made during the lifetime of the transferor; or

(2) Nine months after the death of the transferor.

For example, if the insured retains the right to change beneficiaries until the death of the insured, the designated beneficiary may disclaim until 9 months after the decedent's death.

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–21968 Filed 7–21–80; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 657

National Marine Fisheries Service; Reopening of Comment Period on Atlantic Butterfish

AGENCY: National Oceanic and Atmospheric Administration, (NOAA/Commerce).

ACTION: Notice of reopening of comment period on the Atlantic Butterfish Fishery Management Plan, Amendment No. 1, Draft Regulatory Analysis, and Proposed Regulations.

SUMMARY: The comment period on these Atlantic butterfish actions is reopened to receive additional pertinent information.

DATES: The comment period is reopened from July 21, 1980 through July 30, 1980.

ADDRESS: All information, data and comments should be sent to: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: On April 1, 1980, the Fishery Management Plan (FMP) and Amendment No. 1 to the FMP for the Butterfish Fishery of the Northeast Atlantic Ocean, along with proposed regulations, were published in the **Federal Register** (45 FR 21307). Comments were invited on the FMP, the amendment, the proposed regulations and the draft regulatory analysis (DRA). The comment period closed on May 31, 1980.

During the comment period, two written requests for public hearings were received from representatives of the Japan Fisheries Association and the Japan Deep Sea Trawlers Association. One request sought to discuss the low optimum yield in relation to the maximum sustainable yield and U.S. objectives to increase the export of butterfish, and to submit important information regarding specification of optimum yield. The other request sought to discuss the reduction in optimum yield, to indicate errors in the regulatory analysis, and to submit new data affecting the FMP, as amended, and the DRA.

In the interest of decision-making on the basis of the best available information, while also considering the need to conclude the already long development process for instituting management measures for the Atlantic butterfish fishery, we have decided to reopen the public comment period for 10 days beginning July 21, 1980, and ending July 30, 1980. Any new data or other information submitted during this new comment period will be considered in this agency's final action on the FMP, as amended. In addition, we will determine if the need exists for a public hearing.

Dated: July 17, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80–21963 Filed 7–21–80; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-80-16]

Motor Gasoline Allocation Revision

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Change of hearing location.

SUMMARY: The Economic Regulatory Administration [ERA] of the Department of Energy (DOE) hereby gives notice that the location for the San Francisco, California, hearing regarding the proposed rule to revise its motor gasoline allocation program (45 FR 40078, June 12, 1980) has been changed.

DATE: The hearing will begin at 9:30 a.m. on July 24, 1980.

ADDRESS: The location has been changed from the Jack Tar Hotel, California Room, 1101 Van Ness Avenue, to the Golden Gateway Holiday Inn, Crystal Room, 1500 Van Ness Ave., San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

Karene Walter (Public Hearing Division), Economic Regulatory Administration, Room B-210, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-3971

Terry Osborne (Region IX), Economic Regulatory Administration, 333 Market Street, San Francisco, California 94111 (415) 764-7027

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

Issued at Washington, D.C., on July 18, 1980.

F. Scott Bush,

Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 80-22115 Filed 7-21-80; 10:36 am]

BILLING CODE 6450-01-M

Notices

Federal Register
Vol. 45, No. 142
Tuesday, July 22, 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

Rural Electrification Administration

Dairyland Power Cooperative; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with a loan by REA to Dairyland Power Cooperative (Dairyland) of La Crosse, Wisconsin. The loan will assist Dairyland in constructing 28.9 km (18 miles) of 69 kV transmission line and in converting two substations from 34.5 kV to 69 kV.

The 69 kV transmission line will be built between Dairyland's Centerville Substation and a point 8 km (5 miles) past their Hegg Tap. The two substations to be converted are the Frenchville and Hegg Substations. All construction is planned for Trempealeau County, Wisconsin. Dairyland has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Various alternatives to the proposed project were examined. These alternatives included no action and the construction of various combinations of line replacements, new transmission line and upgraded substation facilities. After reviewing these alternatives, REA determined that the proposed 69 kV transmission line and associated substation conversions is the best alternative for providing power to existing and future Dairyland loads within the area.

REA has reviewed the cooperative's BER and determined that the proposed project will not adversely impact floodplains, wetlands, Federally listed threatened or endangered species, important farmland, and any historic or archaeological resources. In REA's judgment, construction and operation of the project will not result in any unacceptable environmental impact.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of Dairyland's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment, and Dairyland's Borrower's Environmental Report may be reviewed in the office of the Director, Power Supply Division, Room 5829, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of the cooperative, Dairyland Power Cooperative, P.O. Box 817, La Crosse, Wisconsin 54601.

Dated at Washington, D.C., this 15th day of July, 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80–21957 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–15–M

Office of the Secretary

Chief Administrative Law Judge or Acting Chief; Delegation of Authority

During the absence or unavailability of the Judicial Officer, the Chief Administrative Law Judge, or Acting Chief, is hereby delegated authority to perform the functions of the Judicial Officer: *Provided,* That such delegation does not include the authority to rule on an appeal from a decision of an Administrative Law Judge in adjudication or rate proceedings.

July 16, 1980.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 80–21881 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–01–M

Soil Conservation Service

Chartiers Park Critical Area Treatment, RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717–782–2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chartiers Park Critical Area Treatment RC&D Measure, Allegheny County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment within a 22-acre park. The planned works of improvement include soil and water conservation practices to stabilize areas in the park. Practices include land grading and shaping, a grassed waterway, road culverts, and revegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717–782–2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are

available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q)

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

July 8, 1980.

[FR Doc. 80-21845 Filed 7-21-80; 8:45 am]

BILLING CODE 3410-16-M

Talmadge Hill Water-Based Fish and Wildlife Development RC&D Measure, Iowa

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

AGENCY: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, telephone 515-284-4260.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Talmadge Hill Water-Based Fish and Wildlife Development RC&D Measure, Union County, Iowa.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for a water-based recreation development. The planned works of improvement include a pond, low dike, water control structure, parking lot, and seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, telephone 515-284-4260. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until August 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q)

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

July 8, 1980.

[FR Doc. 80-21844 Filed 7-21-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 80-7-109]

Application of Laker Airways Ltd

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 80-7-109.

SUMMARY: The Board proposes to approve the following application:

Applicant: Laker Airways Limited.

Application Dates: (A) April 3, 1979/May 9, 1979, Docket: 35208; (B) May 1, 1980, Docket: 38114.

Authority Sought: (A) The transportation of property and mail, in addition its present authority for the carriage of persons and their baggage between London and the coterminal points, New York and Los Angeles; (B) To add Miami-London (Gatwick) to its route authority.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that these actions should be taken, as described in the order cited above, shall, NO LATER THAN August 13, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the airlines, the Department of Transportation, the Department of State, and the Ambassador of Great Britain and Northern Ireland in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESS OBJECTIONS TO: Dockets 35208 and 38114, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428; Applicant: Laker Airways Limited, c/o Robert M. Beckman, 1001 Connecticut Avenue, N.W., Washington, D.C. 20036.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Contact Alice Larkin, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5134.

By the Civil Aeronautics Board: July 17, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc 80-21941 Filed 7-21-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-7-108; Docket 37231]

Application of South West Air Ltd.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 80-7-108.

SUMMARY: The Board proposes to approve the following application:

Applicant: South West Air Ltd., Docket 37231.

Application Date: December 7, 1979, as amended May 22, 1980.

Authority Sought: Foreign air carrier permit authorizing small aircraft charters between points in Canada and points in the United States.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN August 12, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such support evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESS FOR OBJECTIONS: Docket 37231, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428; Mr. Gordon W. Reed, President, South West Air Ltd., Box 35, Airport Road, Windsor

International Airport, Windsor, Ontario, Canada N8V 1A2.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: Contact Nancy L. Pitzer, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board—202–673–5134.

By the Civil Aeronautics Board: July 17, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-21940 Filed 7-21-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-671]

American Petrofina, Inc.; Application

Notice is hereby given that American Petrofina, Inc. (Fina) filed an application with the Maritime Administration dated June 16, 1980, for the removal of domestic trading restrictions on the TT *Brooklyn* in exchange for immediate cash repayment in full of the unamortized construction-differential subsidy (CDS), plus appropriate interest, if any. The *Brooklyn* is a 226,000-DWT tanker, built under Construction-Differential Subsidy Agreement, Contract No. MA/MSB-159 and delivered into service on December 31, 1973. The vessel is on a long-term time charter to Fina from East River Steamship Corporation, the bareboat charterer. The owner of the *Brooklyn* is Wilmington Trust Company as trustee for General Electric Credit Corporation.

The TT *Brooklyn* is restricted by Contract No. MA/MSB-159 to operation in the U.S. foreign trade, except as may be permitted under section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156). If Fina's application is approved, the TT *Brooklyn* will be allowed to operate permanently in the domestic trade. However, because there are now six vessels for which repayment of CDS has been requested, the Maritime Subsidy Board will defer action on the application until such time as the Board has had an opportunity to review its approach to the issue of repayment of CDS as it impacts on this and other vessels.

The application may be inspected in the Office of the Secretary, Maritime Subsidy Board/Maritime Administration, Room 3099–C, Department of Commerce Building, 14 & E Streets, NW., Washington, D.C. 20230.

Interested parties who operate a vessel(s) in the domestic trade, and who believe that approval of Fina's application would subject them to a significant adverse effect, may submit their views thereon to the Secretary, Maritime Subsidy Board, in triplicate, on or before August 15, 1980. All timely responses will be considered in the Agency's evaluation of this application.

(Catalog of Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

By Order of the Maritime Subsidy Board/ Maritime Administration.

Dated: July 15, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-21849 Filed 7-21-80; 8:45 am]

BILLING CODE 3510-15-M

[Docket S-672]

Boston VLCC Tankers, Inc. II, IV, and VI; Application

Notice is hereby given that Boston VLCC Tankers, Inc. II; Boston VLCC Tankers, Inc. IV; and Boston VLCC Tankers, Inc. VI individually applied to the Maritime Subsidy Board/Maritime Administration by application dated June 16, 1980, for approval of the repayment of the appropriate amount of construction-differential subsidy (CDS), and interest thereon, paid in connection with the construction of the VLCC's *Massachusetts, New York,* and *Maryland,* respectively, and thereby lift the domestic trading restrictions imposed by Construction-Differential Subsidy Agreements, Contract Nos. MA/MSB–152, MA/MSB–153, and MA/ MSB–154, as amended, dated June 30, 1972.

This application may be inspected in the Office of the Secretary, Maritime Subsidy Board/Maritime Administration, Room 3099–C, Department of Commerce Building, 14th & E Streets, NW., Washington, D.C. 20230.

The *Massachusetts* was built in 1975 and the *New York* and *Maryland* in 1976. Each vessel is 264,100 deadweight tons, and each is restricted by its respective construction-differential subsidy agreement to operation in the U.S. foreign trade except as may be permitted under section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156). If the application of Boston VLCC Tankers, Inc. II, IV, and VI is approved, the vessels will be allowed to operate permanently in the domestic trade. However, because there are now six vessels for which repayment of CDS has been requested, the Maritime Subsidy Board will defer action on the application until such time as the Board has had an opportunity to review its approach to the issue of repayment of CDS as it impacts on these and other vessels.

Interested parties who operate a vessel or vessels in the domestic trade, and who believe that approval of the subject application would subject them to a significant adverse competitive effect, may submit their views thereon to the Secretary, Maritime Subsidy Board/Maritime Administration, in triplicate, on or before August 15, 1980. All timely responses will be considered in the Agency's evaluation of this application.

(Catalog of Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

By Order of the Maritime Subsidy Board/ Maritime Administration.

Dated: July 15, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-21848 Filed 7-21-80; 8:45 am]

BILLING CODE 3510-15-M

National Bureau of Standards

Proposed Revision to Federal Information Processing Standards; Code for Information Interchange; Hollerith Punched Card Code

Under the provisions of Public Law 89–306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal Automatic Data Processing (ADP) Standards.

Revisions are proposed to two Federal Information Processing Standards Publications (FIPS PUBS). For FIPS PUB 1, Code for Information Interchange, and FIPS PUB 14, Hollerith Punched Card Code, the standards are proposed to be updated through adoption of the technical specifications of the current American National Standard in each case rather than the technical specifications cited in the present FIPS PUBS. Certain revisions are also proposed in the listing of related documents in each FIPS PUB.

Prior to submission of these proposed revisions to the Secretary of Commerce for review and approval, it is essential to assure that proper consideration is given to the views of the public, of state and local governments, and of manufacturers. The purpose of this notice is to solicit such views.

Interested parties may obtain a copy of the technical specifications from and submit comments in writing to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Attention: Proposed revisions of the FIPS PUBS 1 and/or 14). To be considered, comments on these proposed revisions must be received on or before (please insert date which is 45 days from the date of publication of this notice in the **Federal Register**).

Written comments received in response to this notice plus written comments obtained from Federal departments and independent agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, DC 20230.

Dated: July 17, 1980.

Ernest Ambler,

Director.

(1) It is proposed that the Specificaions and Cross Index sections of FIPS PUB 1, Code for Information Interchange, be replaced by the following:

Specifications. This standard adopts in whole American National Standard X3.4–1977, Standard Code for Information Interchange (ASCII).

Cross Index. American National Standard X3.4–1977, Standard Code for Information Interchange (ASCII).

Related Documents. a. ISO Standard 646–1973, 7-Bit Coded Character Set for Information Processing Interchange.

b. CCITT Recommendation V3, 1972, International Alphabet No. 5.

c. American National Standard X3.41–1974, Code Extension Techniques for Use with the 7-Bit Coded Character Set of American National Standard Code for Information Interchange (FIPS PUB 35).

d. ISO Standard 2022–1973, Code Extension Techniques for Use with the ISO 7-Bit Coded Character Set.

e. American National Standard X3.64–1979, Additional Controls for Use with the American National Standard Code for Information Interchange.

f. ISO Standard 6429, Additional Controls for Character Imaging Devices.

g. ISO Standard 1745–1975, Information Processing—Basic Mode Control Procedures for Data Communication Systems.

h. American National Standard X3.57–1977, Structure for Formulating Message Headings for Information Interchange using ASCII for Data Communication System Control.

i. American National Standard X4.14–1971, Alphanumeric Keyboard Arrangements Accommodating the Character Sets of ASCII and American National Standard Character Set for Optical Character Recognition.

j. FIPS PUB 2, Perforated Tape Code for Information Interchange (X3.6–1965).

k. FIPS PUB 3–1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI) (X3.22–1973).

l. FIPS PUB 14–1, Hollerith Punched Card Code (X3.26–1980).

m. FIPS PUB 15, Subsets of the Standard Code for Information Interchange.

n. FIPS PUB 16–1, Bit Sequencing of the Code for Information Interchange in Serial-by-Bit Data Transmission (X3.15–1976).

o. FIPS PUB 17–1, Character Structure and Character Parity Sense for Serial-by-Bit Data Communication in the Code for Information Interchange (X3.16–1976).

p. FIPS PUB 18–1, Character Structure and Character Parity Sense for Parallel-by-Bit Data Communication in the Code for Information Interchange (X3.25–1976).

q. FIPS PUB 25, Recorded Magnetic Tape for Information Interchange (1600 CPI, Phase Encoded) (X3.39–1973).

r. FIPS PUB 32, Optical Character Recognition Character Sets (X3.17–1977 and X3.49–1975).

s. FIPS PUB 33, Character Set for Handprinting (X3.45–1974).

t. FIPS PUB 35, Code Extension Techniques in 7 or 8 Bits (X3.41–1974).

u. FIPS PUB 36, Graphic Representation of the Control Characters of ASCII (X3.32–1973).

v. FIPS PUB 50, Recorded Magnetic Tape for Information Interchange, 6250 cpi (246 cpmm), Group Coded Recording (X3.54–1976).

w. FIPS PUB 51, Magnetic Tape Cassettes for Information Interchange (3.810 mm [0.150 inch] Tape at 32 bpmm [800 bpi], Phase Encoded) (X3.48–1977).

x. FIPS PUB 52, Recorded Magnetic Tape Cartridge for Information Interchange, 4-Track, 6.30 mm (¼ inch), 63 bpmm (1600 bpi), Phase Encoded (X3.56–1977).

(2) It is proposed that the Specifications and Cross Index sections of FIPS PUB 14, Hollerith Punched Card Code, be replaced by the following:

Specifications. This standard adopts in whole American National Standard X3.26–1980, Hollerith Punched Card Code.

Cross Index. American National Standard X3.26–1980, Hollerith Punched Card Code.

Related Documents. a. FIPS PUB 1, Code for Information Interchange.

b. FIPS PUB 13, Rectangular Holes in Twelve-Row Punched Cards (X3.21–1967).

c. FIPS PUB 15, Subsets of the Standard Code for Information Interchange.

d. FIPS PUB 35, Code Extension Techniques in 7 or 8 Bits (X3.41–1974).

e. American National Standard X3.11–1969 (Revised), Specifications for General Purpose Paper Cards for Information Processing.

f. American National Standard X3.21–1967, Rectangular Holes in Twelve-Row Punched Cards (FIPS PUB 13).

g. American National Standard X3.41–1974, Code Extension Techniques for Use with the 7-Bit Coded Character Set of American National Standard Code for Information Interchange (FIPS PUB 35).

h. International Standard ISO 6586–1980, Information Processing—Representation of 7-Bit and 8-Bit Coded Character Sets on Punched Cards (formerly ISO 1679–1973 for 7 bits and ISO 2021–1975 for 8 bits).

i. International Standard ISO 1681–1973, Information Processing—Unpunched Paper Cards—Specification

j. International Standard ISO 1682–1973, Information Processing—80 Column Punched Paper Cards—Dimensions and Location of Rectangular Punched Holes.

[FR Doc. 80-21930 Filed 7-21-80; 8:45 am]

BILLING CODE 3510-13-M

Proposed Federal Information Processing Standard; Optical Character Recognition (OCR) Inks

Under the provisions of Public Law 89–306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal Automatic Data Processing (ADP) standards. A Federal Information Processing Standards Publication (FIPS PUB), Standard for Optical Character Recognition (OCR) Inks, is being proposed for Federal use. It is based on the Federal adoption of a voluntary industry standard as it was developed and passed by the American National Standards Institute.

Prior to the submission of this proposal to the Secretary of Commerce for review and approval, it is essential to assure that consideration is given to the views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two sections: (1) an announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the proposal is provided in this notice.

Interested parties may obtain a copy of the technical specifications from and submit comments in writing to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. To be considered, comments on this proposed standard must be received on or before September 5, 1980.

Written comments received in response to this notice plus written comments obtained from Federal departments and independent agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. 20230.

Dated: July 17, 1980.

Ernest Ambler,

Director.

Federal Information Processing Standard Publication——

(Date)

Announcing the Standard for Optical Character Recognition (OCR) Inks

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Optical Character Recognition (OCR) Inks.

Category of Standard. Hardware Standard, Media.

Explanation. This standard defines the spectral band for read inks and provides spectrophotometric curves for red and blue nonread inks.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. American National Standard for Optical Character Recognition (OCR) Inks (ANSI X3.86M–1980).

Applicability. This standard is applicable to the acquisition and use of inks by Federal agencies that will be read by optical character recognition techniques.

Users of existing materials are encouraged to employ this standard. Materials not in accordance with this standard should be evaluated periodically by Federal agencies because information to be read by optical character recognition techniques which has inadequate image quality causes misreading (errors).

Specifications. This standard adopts in whole the American National Standard for Optical Character Recognition (OCR) Inks (ANSI X3.86M–1980).

Qualifications. None.

Implementation Schedule. All applicable equipment ordered on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below.

Exceptions to this standard are made in the following cases:

a. For materials in stock or on order prior to the effective date of this standard.

b. Where procurement actions are in the solicitation phase (i.e., Requests for Proposals or Invitations for Bids have been issued) prior to the effective date of this standard.

Waivers. Heads of agencies may request that the requirements of this standard be waived in instances where it can be clearly demonstrated that there are appreciable performance or cost advantages to be gained and that the overall interests of the Federal Government are best served by granting the requested waiver. Such waiver requests will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above as the justification for the waiver.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No agency shall take any action to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of non-conforming equipment unless it has already obtained such approval.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute). When ordering, refer to Federal Information Processing Standards Publication——(NBS–FIPS–PUB——), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 80–21929 Filed 7–21–80; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Notice of Amendment to System of Records

AGENCY: Department of the Army, DOD.

SUMMARY: The Department of the Army proposes to amend a system of records subject to the Privacy Act of 1974 for the purpose of identifying an added automated storage/retrieval capability and the additional safeguards applying to the automated data.

DATES: Proposed actions shall be effective August 21, 1980, unless public comments result in a contrary determination requiring republication for further comments.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, Attn: DAAG–AMR–R, 1000 Independence Avenue, SW, Washington, DC 20314 prior to August 21, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Fraker, Office of the Adjutant General, Headquarters, Department of the Army, Washington, DC 20314; telephone 202/693–0973.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices, as prescribed by the Privacy Act, have been published in the Federal Register as follows:

FR Doc. 70–37052 (44 FR 73729) December 17, 1979
FR Doc. 80–594 (45 FR 1658) January 8, 1980
FR Doc. 80–3891 (45 FR 8399) February 7, 1980
FR Doc. 80–7515 (45 FR 15736) March 11, 1980
FR Doc. 80–9633 (45 FR 20992) March 31, 1980
FR Doc. 80–10014 (45 FR 21673) April 2, 1980
FR Doc. 80–150501–M (45 FR 26117) April 17, 1980
FR Doc. 80–13708 (45 FR 29390) May 2, 1980
FR Doc. 80–18501 (45 FR 41478) June 19, 1980.

July 17, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

A0906.04aDASG

SYSTEM NAME:

906.04 Medical Evaluation File

SYSTEM LOCATION:

Primary System: Army Medical Department (AMEDD) medical facilities convening a medical board.

Decentralized Segments: United States Army Physical Evaluation Boards and United States Army Physical Disability Agency (USAPDA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army members whose medical fitness for continued service has been questioned either by the member or his/her commander.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents reflecting determination by a board of medical fitness for continued Army active service. Includes medical board proceedings and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 1071; and Title 10 U.S.C., Section 1201, Chapter 61.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Medical board: To determine medical fitness for continued Army active service.

Physical Evaluation Board (PEB): To review medical board findings when required and to determine if the individual should be discharged, temporarily or permanently retired for disability, or retained for active service.

USAPDA: Record of cases considered, adjudications, reviews, determinations, and dispositions. To respond to inquiries received from a member, other Government agency, or other authorized recipient of requested information. Information in computer form consists of profile data, resume of board action and results, maintained primarily for statistical reports. No decisions about member are made from automated data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file holders.

USAPDA: Paper records in file folders and magnetic diskettes. Magnetic diskettes contain personal information on members, certain codes of specific type of injuries for research study purposes, and Veterans Administration Schedule for Rating Disability Diagnostic Codes only. Paper files are the PEB proceedings describing the medical problem, and findings, recommendations, and adjudicative decision.

RETRIEVABILITY:

Filed chronologically by name.

USAPDA: Paper files, filed chronologically by name and fiscal year on 5″ x 8″ file cards. Retrieval from magnetic diskettes files can be accomplished by PRG program or a DFU load program.

SAFEGUARDS:

Rooms are secured by locked doors when not in use. Records are maintained in areas accessible only to authorized personnel who are properly screened and trained.

USAPDA: In addition to the preceding, operation of data processing equipment and magnetic tapes are limited strictly to authorized personnel. Computer has key lock and key is controlled. Magnetic diskettes are stored and controlled to ensure that they do not result in unauthorized disclosure of personal information.

RETENTION AND DISPOSAL:

Medical boards: Retained for 5 years and destroyed.

PEBs: Retained for 2 years or until discontinued, whichever occurs first.

USAPDA: Retained for 5 years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to: HQDA (DASG–AOM), Room 2D–453, The Pentagon, Washington, DC 20310.

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Office of The Surgeon General, Headquarters, Department of the Army (DASG–AOM), Room 2D–453, The Pentagon, Washington, DC 20310.

All requests should be written, since files are not stored in Headquarters, Department of the Army. If telephone conversation is desired, at the expense of the inquirer, area code and telephone number should be furnished.

Personal visits by the individual requesting access may be arranged only with the official assigned to respond to a written request.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the official responding to a written request.

RECORD SOURCE CATEGORIES:

Interview with the individual; medical records on the individual; and reports of medical boards and PEBs.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80–21969 Filed 7–21–80; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of the committee: Army Science Board.
Dates of meeting: August 11–12, 1980.
Place: The Pentagon, Washington, DC (exact room location can be obtained by contacting Helen Pipon at 202–697–9703.
Time: 0800–1630 hours, August 11, 1980. 0800–1630 hours, August 12, 1980.

Proposed Agenda

The ASB Ad Hoc Sub-Group on Energy Needs of the Army will meet to receive briefings and hold discussions on the following issues: (a) Current and projected mobility, weapons systems, and installation requirements for energy in the Army; (b) identification of research and development efforts which might alleviate projected shortfalls; (c) identification of alternative energy sources. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Helen A. Pipon,

Administrative Officer.

[FR Doc. 80–21847 Filed 7–21–80; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session August 15, 1980, at the Institute for Defense Analysis, 400 Army Navy Drive, Arlington, Virginia, 22202.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)

(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-21689 Filed 7-21-80; 8:45 am]

BILLING CODE 3810-70-M

Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents; Charter

AGENCY: Office of the Secretary of Defense.

ACTION: Charter of the Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents.

SUMMARY: The Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents advises the Director, DoD Dependents Schools (DoDDS) of unmet needs within the system for the education of handicapped children. The Panel comments publicly on any rules and regulations proposed for issuance by the Office of Dependents Schools (ODS) regarding the education of handicapped children and on the procedures for distribution of funds. The Panel assists ODS in developing and reporting all data and evaluation as may assist the Director in the performance of his responsibilities under section 618 of Pub. L. 94-142.

FOR FURTHER INFORMATION CONTACT: Dr. Diane L. Goltz, Coordinator, Special Education, DoD Dependents Schools, 2461 Eisenhower Avenue, Alexandria, VA 22331, telephone 202-325-7810.

The following is the Charter of Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 17, 1980.

Charter

Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents

1. *Authority:*

a. Defense Dependent's Education Act (Section 1402 and Section 1409, Title SIV, Pub. L. 95-561; 20 U.S.C. 929) enacted November 1, 1978.

b. Pub. L. 94-142, the Education for All Handicapped Children Act of 1975 (Section 613a).

c. Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I).

2. *Official Designation:* Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents, hereafter referred to as the Panel.

3. *Objectives and Scope:* The Departments of Defense Dependent's Schools (DoDDS) Panel, composed of education officials and adminstrators of programs for handicapped children, (a) advises the DoD dependents schools overseas of unmet needs within the system for the education of handicapped children; (b) comments publicly on any Office of Dependents Schools (ODS) rules or regulations proposed for issuance by ODS regarding the education of handicapped children and on the procedures for distribution of funds; and (c) assists ODS in developing and reporting such data and evaluations as may assist the Director in the performance of his responsibilities under section 618 of Pub. L. 94-142.

4. *Time Required to Carry Out the Purpose of the Panel:* In accordance with Pub. L. 94-142 (section 121a.650), the Panel shall continue in existence indefinitely.

5. *Official to Whom the Panel Reports:* The Panel reports to the Director of the Department of Defense Dependents Schools.

6. *Agency Responsible for Providing Support Services:* The Department of Defense provides support services to the Panel.

7. *Functions and Procedures of the Panel:* The Panel Shall:

a. Review information regarding unmet needs of exceptional children.

b. Receive input from various consumer and special interest groups.

c. Establish committees for short-term purposes composed of representatives from consumer and special-interest groups.

d. Review a copy of written findings of fact and decisions from each impartial due-process hearing.

e. Assist regional offices in developing and reporting such information and evaluations as may assist ODS in the performance of its duties under Sections 200, 900, and 1105 of ODS Program Standards and Guidelines.

f. Make recommendations for changes in the budget, general management of the special education program, and policy and procedure changes based on program and operational information.

g. Comment publicly on rules or standards regarding the education of exceptional children.

h. Perform such other tasks as may be required by the Director.

8. *Structure:*

a. The membership of the Panel is composed of persons involved in or concerned with the education of handicapped children. The membership must include at least one representative of each of the following groups:

(1) Handicapped individuals

(2) Teachers of handicapped children

(3) Parents of handicapped children

(4) ODS and regional educational officials

(5) Special education program administrators

b. Pub. L. 94-142 comment (sections 121a.651) allows ODS to expand the Panel to include additional persons in the groups listed: "The membership of the State advisory panel, as listed in paragraphs (a)(1)-(5), is required in section 613(1)(12) of the Act. As indicated in paragraph (b), the composition of the Panel and the number of members may be expanded at the discretion of the State. In adding to the membership, consideration could be given to having:

1. An appropriate balance between professional groups and consumers (i.e., parents, advocates, and handicapped individuals);

2. Broad representation within the consumer-advocate groups, to insure that the interests and points of view of various parents, advocates and handicapped individuals are appropriately represented.

3. Broad representation within professional groups (e.g., (a) regular education personnel, (b) special educators, including teachers, teacher trainers, and administrators, who can properly represent various dimensions in the education of handicapped children, and (c) appropriate related services personnel); and,

4. Representatives from other State advisory panels (e.g., 10-15 members). The Panel itself could take steps to insure that it (1) consults with and receives input from various consumer and special interest professional groups, and (2) establishes committees for the particular short-term purposes composed of representatives from those input groups."

9. *Length of Term:* The term of office of each member of the Panel appointed shall be 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

10. *Estimated Annual Operating Cost:* The estimated annual operating cost for the Panel is $37,000 which includes travel and per diem for members, but excludes staff support.

11. *Number and Frequency of Meetings:* The Panel meets at least three times each calendar year.

12. *Date Charter is Filed:* Approved: July 16, 1980.

Anthony Cardinale,

Director, DoD Dependents Schools.

[FR Doc. 80-21860 Filed 7-21-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Education Appeal Board; Proceedings for July 1980

AGENCY: Department of Education.

ACTION: Notice of Education Appeal Board proceedings scheduled for July 1980.

SUMMARY: This notice advises readers that the Education Appeal Board has scheduled a prehearing conference in the *Appeal of the State of Nebraska,* Docket No. 4-(40)-78, for July 15, 1980, and in the *Appeal of the State of New Mexico,* Docket No. 5-(35)-77, for July 22, 1980. This notice also advises readers that interested third parties may apply to intervene in the appeal proceedings.

FOR FURTHER INFORMATION CONTACT: Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB-6), Washington, D.C. 20202. Telephone (202) 245-7835.

SUPPLEMENTARY INFORMATION: The Education Appeal Board has scheduled prehearing conferences in two pending appeals for the month of July 1980:

(1) *Appeal of the State of Nebraska,* Docket No. 4-(40)-78. The prehearing conference is scheduled for July 15, 1980, in Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. The conference will begin at 10:30 a.m.

In its appeal, Nebraska is contesting a final audit determination made by the Deputy Commissioner for the Bureau of Education for the Handicapped. The Deputy Commissioner found that in fiscal years 1973 and 1974, the State educational agency used funds under title VI, Part B of the Education for the Handicapped Act for 31 needs assessment projects, and in so doing, exceeded the Title VI-B limitation on expenditures for planning and administration. The Deputy Commissioner requested a refund of $94,274.00 from the State.

(2) *Appeal of the State of New Mexico,* Docket No. 5-(35)-77. The prehearing conference is scheduled for July 22, 1980, in Room 3000, 400 Maryland Avenue, S.W., Washington D.C. The conference will begin at 11:30 a.m.

In its appeal, New Mexico is contesting final audit determinations made by the Deputy Commissioner for Elementary and Secondary Education. The Deputy Commissioner found that one local educational agency expended funds under Title I of the Elementary and Secondary Education Act of 1965, as amended, at two schools that were ineligible to receive Title I funds during fiscal year 1973; that two local educational agencies failed to meet minimum comparability requirements under Title I in fiscal year 1973; and that the State educational agency used Title I funds for expenditures that were not directly related to or reasonably necessary for the administration of Title I in fiscal year 1972. The Deputy Commissioner requested a refund of $639,042.00 from the State.

Section 100d.43 of the final regulations establishing procedures for the Education Appeal Board (45 FR 22634, April 3, 1980) provides that an interested person, group, or agency may, upon application to the Board Chairperson, intervene in appeals before the Education Appeal Board.

The application must indicate to the satisfaction of the Board Chairperson or, as appropriate, the Panel Chairperson, that the intervenor has an interest in and information relevant to the specific issues raised in the appeals. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

All such applications or questions should be addressed to Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB-6), Washington, D.C. 20202, telephone (202) 245-7835.

(20 U.S.C. 1234)

Dated: July 17, 1980.

(Catalog of Federal Domestic Assistance Number not applicable. Part I of OMB Circular A-95 does not apply to this program)

Shirley M. Hufstedler,

Secretary of Education.

[FR Doc. 80-21958 Filed 7-21-80; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services; Handicapped Personnel Preparation

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications for fiscal year 1981.

Applications are invited for *new projects* and *non-competing continuation projects* under the Handicapped Personnel Preparation Program.

Closing Date for Transmittal of Applications: Applications for *new awards* must be mailed or hand-delivered by October 6, 1980. To be assured of consideration of funding, application for non-competing continuation awards should be mailed or hand delivered by October 20, 1980. If an application for a non-competing continuation award is received after that date, the Department of Education may lack sufficient time to review it with the non-competing continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Washington, D.C. 20202. Attention: 84.029.

An applicant for *new awards* must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark;

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;

(3) A dated shipping label, invoice, or receipt from a commercial carrier; or

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

Applicants for new and non-competing continuation awards are encouraged to use registered or at least first class mail.

Each late applicant for *new awards* will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Hand-delivered applications for *new awards* will not be accepted after 4:30 p.m. on the closing date.

Program Information: Authority for this program is contained in Sections 631, 632, and 634 of Part D of the

Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434).

This program issues awards to institutions of higher education, private and other nonprofit training agencies, State education agencies and local education agencies.

The purpose of the awards is to improve the quality and increase the supply of special educators and support personnel at both the preservice and inservice levels.

Available Funds: The estimated total amount of funds available under this grant program for Fiscal Year 1981 is $58,000,000 ($39,361,914 for non-competing continuation applications nd $18,638,086 for new applications). An estimated 1,000 grants (both non-competing continuation and new) will be awarded with an average grant totaling $55,000. These figures are only estimates and do not bind the Department of Education.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Division of Personnel Preparation, Office of Special Education, Department of Education, Room 4805, Donohoe Bldg., 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary strongly urges that the narrative portion of the application not exceed 75 pages in length. The Secretary further urges that only the information required by the application form be submitted.

Applicable Regulations: The following regulations apply under this program:

(a) Regulations governing Training Personnel in the Education of the Handicapped (45 CFR Part 121f). Amendments to Part 121F were published in the Federal Register (1) on April 19, 1977, (42 FR 20298–20300), (2) on April 3, 1980 (45 FR 22532); and

(b) The Education Department General Administrative Regulations (EDGAR) 45 Parts 100a and 100c, which were published in the Federal Register on April 3, 1980 (45 FR 22493–22631). EDGAR will govern applications and grants under this program.

FURTHER INFORMATION: For further information contact Dr. Jasper Harvey, Director, Division of Personnel Preparation, Office of Special Education, Department of Education, Room 4805 Donohoe Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–9886.

(20 U.S.C. 1431, 1432, 1434)

(Catalog of Federal Domestic Assistance No. 84.029 Handicapped Personnel Preparation. Part I of OMB Circular A–95 does apply to this program)

Dated: July 17, 1980.

Shirley M. Hufstedler,

Secretary of Education.

[FR Doc. 80–21959 Filed 7–21–80; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement ERA, and the firms listed below during the month of May 1980. These Consent Orders concern prices charged by retail motor gasoline dealers allegedly in excess of the maximum lawful selling price for motor gasoline. The purpose and effect of these Consent Orders is to bring the consenting firms into present compliance with the Mandatory Petroleum Price Regulations and the General Allocation and Price Regulations, and they do not address or limit any liability with respect to the consenting firms' prior compliance or possible violation of the aforementioned regulations. Pursuant to the Consent Orders, the consenting firms agree to the following actions.

1. Reduce prices for each grade of gasoline to no more than the maximum lawful selling price;

2. Post the maximum lawful selling price for each grade of gasoline on the face of each pump in numbers and letters not less than one-half inch in height, or in a prominent place elsewhere at the retail outlet in numbers or letters not less than four inches high;

3. Properly maintain records required under the aforementioned regulations; and

4. Cease and desist from employing any discriminatory and/or unlawful business practices prohibited by the aforementioned regulations.

For further information regarding these Consent Orders, please contact James C. Easterday, District Manager, Southeast District, Department of Energy, Office of Enforcement, 1655 Peachtree St., N.E., Atlanta, Georgia 30367 telepone number (404) 881–2396.

Firm name, address, and audit date

Eddie J Caro, 5080 9th Avenue, Pensacola, FL 32504—5–2–80
Lilburn Chevron, 4784 Lawrenceville Hwy, Lilburn GA 30247—5–5–80
Beaver Ruin Chevron, 1794 Beaver Ruin Rd, Norcross, GA 30093—5–5–80
Browning Standard, Box 87 Lake Helen, FL 32744—5–5–80
Eldridge Chevron, Rt. 1, Box 131E Sanford, FL 32771—5–5–80
Hayes & Sons Texaco, 815 Cleveland Ave, Attalla, AL 35954—5–5–80
Interstate Gulf Serv Sta, 1005 Hwy, 21 Oxford, AL 36203—5–6–80
Downtown Chevron, 827 14th St. W, Bradenton, FL 33506—5–8–80
Plasters' Exxon, I–95 and Rt 54, Ashland, VA 23047—5–8–80
Otero Standard, 5 May Avenue, Brooksville, FL 33512—5–9–80
One Stop Auto Service, 1201 N. 25th St, Richmond, VA 23223—5–9–80
Priest Standard, P.O. Box 52W, Homosassa, FL 32646—5–12–80
Metts Standard Service, P.O. Box 2132, Homosassa, FL 32647—5–12–80
Crystal Standard Service, Rt 3, Box 848, Crystal River, FL 33926—5–12–80
Paul Hewitt Standard Sv., 846 N E Hwy 19, Crystal River, FL 32629—5–12–80
Wakefield Station, 1641 Commerce Rd., Box 1–A, Richmond, VA 23201—5–1–80
Mechanicsville Pike Station, 1641 Commerce Rd, Box 1–A, Richmond, VA 23201—5–5–80
Nine Mile Road Station, 1641 Commerce Road, Box 1–A, Richmond, VA 23201—5–5–80
Washington St. Station, 1641 Commerce Rd., Box 1–A, Richmond, VA 23201—5–5–80
Ashland Station, 1641 Commerce Rd, Box 1–A, Richmond, VA 23201—5–5–80
Cary Street Station, 1641 Commerce Rd, Box 1–A, Richmond, VA 23201—5–5–80
Falling Creek Station, 1641 Commerce Rd., Box 1–A, Richmond, VA 23201—5–5–80
Halifax Station, 1641 Commerce Rd, Box 1–A, Richmond, VA 23201—5–5–80
Ramsey's Chevron, P.O. Box 154, Columbus, NC 28722—5–8–80
Merritt Service Center, 100 US 98 N, Brooksville, FL 33512—5–9–80
Sylvan Part Gulf, 4500 Murphy Rd, Nashville, TN 37209—5–12–80
Greehills Mobil, 3730 Hillsboro Rd, Nashville, TN 37215—5–12–80
Trail Texaco, 1863 9th Street North, Naples, FL 33940—5–13–80
Melrose Exxon, 2609 Franklin Road, Nashville, TN 37204—5–13–80
E.S. Biggs Wrecker Serv., 2100 Nolensville Rd, Nashville, TN 37211—5–13–80
Weeks Texaco Station, P.O. Box 397, Bronson, Fl—5–13–80
Billups Standard, P.O. Box 22, Inglis, FL 32649—5–13–80
Grants Standard, Highway 19, Chiefland, FL 32626—5–13–80
Lane's Chevron, P.O. Box 347, Chiefland, FL 32626—5–13–80
Sigman Road Standard, 2301 Sigman Road, Conyers, GA 30207—5–13–80
Rogers Amoco, A 1 A and St Luci Blvd, Port Salerno, FL 33492—5–14–80
Chumley's Amoco, 1001 A1A, Jupiter, FL 33458—5–14–80

Dempasco Service Sta, U.S. 1 and Hwy A1A, Juno Beach, FL 33408—5–14–80
Par Mobil, 324 Par Avenue, Orlando, FL 32804—3–18–80
John Gibson, I–65 and KY 90, Cave City, KY 42127—3–18–80
Bellmeade Shell, 5315 S. Harding, Nashville, TN 37205—3–19–80
Corner Store, 1401 No. Main Street, Kissimmee, FL 32741—3–19–80
Kopper Kettle, Highway 100 & I–65, Franklin, KY 42134—4–7–80
Buechel Terrace Chevron, 4219 Bardstown Rd., Louisville, KY 40218—4–10–80
LaPorte Exxon, 1625 S. Federal Hwy, Hollywood, FL 33020—4–24–80
Risner's Chevron, 3420 Lebanon Road, Hermitage, TN 37076—5–13–80
Douglas Amoco Service, 583 Donaldson Pike, Nashville, TN 37214—5–14–80
Town & River Texaco, 1024 Cypress Lakes Rd, Ft Meyers, FL 33907—5–14–80
Trail Sunoco, 6168 So. Tamimiami, Ft Meyers, FL 33907—5–14–80
Villas Chervron, 8180 So. Tamamiami, Ft Meyers, FL 33907—5–14–80
Port Comfort, Box 105, Rt 24, Ft Meyers, FL 33908—5–15–80
Cantrell's Exxon, 1910 Dickerson Rd, Nashville, TN 37207—5–16–80
Barker Westgate Standard, 2510 Pio Nono Ave, Macon, GA 31206—5–19–80
Seminole Exxon, 1949 W. Tenn, Tallahassee, FL 32304—5–19–80
Fred Hulsey's Chevron, 5012 Romeiser Road, Macon, GA 31204—5–20–80
Winston Chevron, 825 Madison Street, Huntsville, AL 35501—5–22–80
H & A Fuel Service, P.O. Box 449, Hardeville, SC 29929—5–23–80
Chancy's Standard, P.O. Box 1705, St Simons Island, GA 31523—5–28–80
Norman's Standard, 3304 Glynn Avenue, Brunswick, GA 31520—5–28–80
Plaza Standard, 1965 Glynn Avenue, Brunswick, GA 31520—5–28–80
Coley's Exxon, Rt 1 I–85 and SC 290, Duncan, SC 29334—5–28–80
Bingham's Texaco, Rt 1 I–85 and SC 290, Duncan, SC 29334—5–28–80
White's Exxon, Hwy I–85 and SC–9, Spartanburg, SC 29303—5–28–80
Mauldin Chevron, 804 N. Main, Mauldin, SC 29662—5–29–80
Wade Hampton Mall Exxon, 1035 Wade Hampton Blvd, Greenville, SC 29609—5–29–80
Harris Standard, P.O. Box 405, Nahunta, GA 31553—5–29–80
Pittman's Standard, I–75 and Juliette Rd, Forsyth, GA 31029—5–30–80
Trout's Texaco, 106 N A 1 A Hwy, Satellite Beach, FL 32937—5–30–80
Magnolia Plantation, P.O. Drawer, Tifton, GA 31794—5–30–80
M & M 76, 1100 SR 524 Rt 1, Cocoa, FL 32922—5–30–80

Issued in Atlanta, Georgia on the 11th day of July 1980.

James C. Easterday,
District Manager.

Concurrence:

Leonard F. Bittner,
Chief Enforcement Counsel.

[FR Doc 80–21954 Filed 7–21–80; 8:45 am]
BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1545–7]

Air Quality; Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

BACKGROUND: This notice is published under the authority of section 101(b) and section 103 of the Clean Air Act. The notice provides further clarification of a policy announced in EPA's "Recommended Policy on the Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977) and "Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities," 44 FR 32042 (June 4, 1979) and 45 FR 32424 (May 16, 1980).

DISCUSSION: The previous policy statements on the control of volatile organic compounds (VOCs) noted that despite concerns about their potential toxicity 1,1,1-trichloroethane (methyl chloroform) and methylene chloride are negligibly photochemically reactive and do not appreciably contribute to the formation of ozone. Today's statement expands the list (45 FR 32424) of organic compounds (VOCs) of negligible photochemical reactivity to include the following chlorofluorocarbons (CFC) or fluorocarbons (FC):
trichlorofluoromethane (CFC–11);
dichlorodifluoromethane (CFC–12);
chlorodifluoromethane (CFC–22);
trifluoromethane (FC–23);
trichlorotrifluoroethane (CFC–113);
dichlorotetrafluoroethane (CFC–114);
and chloropentafluoroethane (CFC–115).

EPA has determined that these halogenated compounds are no more photochemically reactive than methyl chloroform and methylene chloride and do not appreciably contribute to the formation of ambient ozone. Consequently, controls on emissions of these compounds would not contribute to the attainment and maintenance of the national ambient air quality standards for ozone. EPA cannot approve or enforce controls on these compounds as part of a Federally enforceable ozone State Implementation Plan (SIP). EPA will take no action on any measures specifically controlling emissions of these compounds which are submitted by the States as ozone SIP measures for EPA approval. (See 45 FR 32424.)

However, EPA would like to reiterate its continuing concern over the possible environmental effects from emissions of these compounds. As such, EPA is not precluding the possible future regulation of these compounds.

It should be recognized that the two halogenated compounds, methyl chloroform and CFC–113, stated to be of negligible photochemical reactivity in the July 8, 1977 **Federal Register**, have been implicated in the depletion of the stratospheric ozone layer. This layer is a region of the upper atmosphere which shields the earth from harmful wavelengths of ultraviolet radiation that increase the risk of skin cancer in humans.

In response to this concern, the Agency promulgated on March 17, 1978 (43 FR 11318), rules under the Toxic Substances Control Act (TSCA) to prohibit the nonessential use of fully halogenated chlorofluoroalkanes as aerosol propellants. Restrictions were applied to all members of this class, including CFC–113, since they are potential substitutes for CFC–11, CFC–12, CFC–114, and CFC–115, which are currently used as aerosol propellants. The Agency is investigating control options and substitutes for nonpropellant uses.

EPA has proposed new source performance standards under Section 111 for organic solvent cleaners (45 FR 39766, June 11, 1980). These proposed standards would limit emissions of the reactive volatile organic compounds trichloroethylene and perchloroethylene as well as methyl chloroform, methylene chloride, and trichlorotrifluoroethane (CFC–113) from new, modified, or reconstructed organic solvent degreasers. If these standards are promulgated, EPA will develop a guideline document for States to use in developing regulations required under Section 111(d) for existing organic solvent cleaners that use any of the designated compounds.

Whether, and to what extent, methyl chloroform and methylene chloride are human carcinogens or have other toxic effects, and to what extent methyl chloroform, CFC–113, and other CFCs deplete the ozone layer, are issues of considerable debate. Detailed health assessments of methyl chloroform, methylene chloride, and CFC–113 are being prepared by EPA's Office of

Research and Development. These assessments will be submitted for external review, including a review by the Science Advisory Board, prior to promulgation of the regulations and the proposal of EPA guidance to States for developing existing source control measures. The extent to which the preliminary findings are affirmed by the review process may affect the final rulemaking for new as well as existing sources.

Until these issues of environmental impact are fully resolved, EPA remains concerned that if these chemicals are exempted from regulation, the substitution of exempt for nonexempt solvents could result in large increases of emissions of pollutants that may have adverse health impacts.

The emissions of CFC–22 and FC–23, also of relatively low photochemical reactivity, are of continuing concern with regard to possible environmental effects. Consequently, EPA is not precluding the possible future regulation of these compounds as well.

Finally, EPA wishes to point out that this notice addresses only the Agency's lack of authority to include in Federally approved SIPs controls on substances whose emissions do not contribute, either directly or indirectly, to concentrations of pollutants for which NAAQS have been established under Section 109 of the Act. This policy notice does not address the question of SIP measures which control substances contributing to concentrations of pollutants for which NAAQS have been established, but which are contended to be more strict than absolutely necessary to attain and maintain the NAAQS. EPA has no authority to exclude such measures from SIPs.

FOR FURTHER INFORMATION CONTACT:
G. T. Helms, Chief, Control Programs Operations Branch (MD–15), Research Triangle Park, North Carolina 27711, (919) 541–5226, FTS 629–5226.

Dated: July 16, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80–21961 Filed 7–21–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1545–5]

California State Motor Vehicle Pollution Control Standards; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing on requests for waivers of Federal preemption.

SUMMARY: The California Air Resources Board (CARB) notified EPA of two recent amendments to California's emission standards and test procedures for motor vehicles produced by certain small-volume manufacturers, and requested a waiver of Federal preemption for each amendment. EPA will consider these waiver requests, among other issues, at a public hearing already scheduled for July 24, 1980 at EPA's San Francisco office, as announced in a **Federal Register** notice of July 3, 1980.

DATES: Hearing July 24, and if necessary July 25, 1980.

ADDRESSES: EPA will consider the waiver requests at a public hearing held at: U.S. Environmental Protection Agency Regional Office (Region IX), Nevada Room, Sixth Floor, 215 Fremont Street, San Francisco, California. Copies of all materials relevant to the hearing are available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at: U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Glenn Unterberger, Chief, Waivers Section, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 7543(a) ("Act"), provides in part: "No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] require certification, inspection, or any other approval relating to the control of emissions * * * as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (1) The determination of the State is arbitrary and capricious, (2) the State does not need the State standards to meet compelling and extraordinary conditions, or (3) the State standards and accompanying enforcement procedures are inconsistent with section 202(a) of the Act.

Pursuant to these provisions, the Administrator of EPA granted California waivers of Federal preemption allowing the State to enforce its exhaust emission standards for 1979 and subsequent model year passenger cars [1] and for 1979 and subsequent model year light-duty trucks (LDTs) and medium-duty vehicles (MDVs). [2] In *American Motors Corp.* v. *Blum* [3], the D.C. Circuit held that section 202(b)(1)(B) of the Act entitled American Motors Corporation (AMC) to two additional years of lead time to meet certain California oxide of nitrogen (NO_x) emission standards for passenger cars.

As a result, in a **Federal Register** notice issued July 3, 1980, the Administrator modified his passenger car waiver decision with respect to 1980 and 1981 model year AMC passenger cars, and announced a public hearing to reconsider the earlier LDT/MDV waiver decisions in light of *AMC* v. *Blum*. The notice further provided that EPA would consider at the public hearing any new waiver requests filed by California on or before July 7, 1980 to cover amended NO_x standards and enforcement procedures for 1980 and later model year passenger cars and 1981 and later year passenger cars and 1981 and later year model year LDTs and MDVs manufactured by AMC.

In a June 13, 1980 letter to the Administrator, CARB notified EPA that it had taken several actions to revise California's new motor vehicles emissions control program in response to *AMC* v. *Blum*. CARB requested a waiver of Federal preemption for the following items:

(i) Amendments to exhaust emission standards and test procedures for 1980 and later model year passenger cars, light-duty trucks and medium-duty

[1] 43 FR 25729 (June 14, 1978).

[2] 43 FR 1829 (January 12, 1978) (for California's 1979–1982 model year LDTs and MDVs); 43 FR 15490 (April 13, 1978) (for California's 1983 and later model year LDTs and MDVs).

[3] 603 F. 2d 978 (D.C. Cir. 1979).

vehicles [4] produced by qualified "small" manufacturers; [5]

(ii) Amendments to assembly-line test procedures for 1980 model year and 1981 model year passenger cars, light-duty trucks and medium-duty vehicles produced by qualified small manufacturers.[6]

Accordingly, EPA will consider these amendments at the public hearing announced in 45 FR 45356 (July 3, 1980).

II. Procedures

Any person desiring to make a statement at the hearing or to submit material for the hearing record should file a notice of such intention along with 10 copies of the proposed statement and other relevant material by July 21, 1980, to Glenn Unterberger, Manufacturers Operations Division (EN-340), 401 M Street, S.W., Washington, D.C. 20460. In addition, that party should submit 25 copies, if feasible, of that statement to the Presiding Officer at the time of the hearing.

Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information, there are no adversary parties as such. Statements by the participants will not be subject to cross-examination. The Presiding Officer is authorized to strike from the record statements which he deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any witness.

Participants should limit their presentations regarding either of the waiver requests at issue to the following considerations:

(1) Whether California's determination that the standards will be at least as protective of public health and welfare as applicable Federal standards and regulations is arbitrary and capricious;

(2) Whether California needs its standards to meet compelling and extraordinary conditions;

(3) Whether the California amendments are not consistent with section 202(a) of the Act; and

(4) Whether the California amendments are consistent with the Court's decision in *AMC* v. *Blum*.

In order to assure full opportunity for the presentation of data, views and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments or other pertinent information to be included as part of the hearing record.

A verbatim record of the proceeding will be made available for public inspection at the EPA Public Information Reference Unit. Interested persons may obtain a copy of the transcript from the reporter during the hearing at their own expense. The determination of the Administrator on the action to be taken on CARB's amendments is not required to be made solely on the record of the public hearing. Other pertinent information not presented at the hearing also may be considered. This information will also be available for public inspection.

Dated: June 15, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement (EN-329).

[FR Doc. 80-21962 Filed 7-21-80; 8:45 am]

BILLING CODE 6560-01-M

[4] Section 1960.2 and 1960.3, Title 13, California Administrative Code: "California Exhaust and Emission Standards and Test Procedures for 1980 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", as amended March 5, 1980; "California Exhaust and Emission Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", as amended March 5, 1980; and "California Exhaust Emissions Standards and Test Procedures for 1981 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", as amended March 26, 1980.

[5] A "small" manufacturer under the California regulations is defined as a manufacturer which qualifies for additional time to meet NO_x emissions standards under Section 202(b)(1)(B) of the Act.

[6] Section 2059, Title 13, California Administrative Code: "California Assembly-Line Test Procedures for 1980 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles", as amended March 5, 1980; "California Assembly-Line Test Procedures for 1981 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles", as amended March 26, 1980.

[FRL 1545-6]

Reconsideration of the Use of Pasquill-Gifford Dispersion Coefficients for Stability Class A in Setting Emission Limitations for Four Ohio Power Plants: Evaluation of Public Comments—References

On June 19, 1980, the Environmental Protection Agency (EPA) published its response to comments submitted on EPA's reconsideration of the use of the Pasquill-Gifford dispersion coefficients for class A meterorological conditions in setting emission limitations for four Ohio power plants (45 FR 41501). The attached list of references should have been published with the Agency's response, but was inadvertently omitted. EPA, therefore, is publishing the list of references today.

Dated: July 16, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

References

ARL, 1977: *Report to the U.S. EPA of the Specialists Conference on the EPA Modeling Guideline*, Argonne National Laboratory, Chicago, IL. 322 pp.

Briggs, G. A., 1979: Personal Communications with D. A. Trout, May 1979 and August 1979.

Hanna, S. R., et al., 1977: AMS workshop on stability classification schemes and sigma curves—summary of recommendations, *Bul. AMS*, 1305–1309.

Irwin, J. S., 1971a: Estimating plume dispersion—a recommended generalized scheme, *Preprints of Fourth Symposium on Turbulence, Diffusion and Air Pollution*, January 15–18, 1979, Reno, 62–69.

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[FR Doc. 80-21960 Filed 7-21-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed "de Novo" Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 14, 1980.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

MELLON NATIONAL CORPORATION, Pittsburgh, Pennsylvania (mortgage banking and insurance activities; Wyoming): to engage, through its subsidiary, Mellon Mortgage, Inc., in mortgage banking activities and acting as insurance agent with respect to the sale of credit life, credit accident and health, and/or mortgage redemption insurance from an office located in Cheyenne, Wyoming, serving Wyoming.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. WALTER E. HELLER INTERNATIONAL CORPORATION, Chicago, Illinois (commercial finance activities; Oregon and Washington): to engage, through its subsidiary, National Acceptance Company of California d.b.a. National Acceptance Company/ Northwest, in commercial finance activities, including making loans and other extensions of credit secured by a lien on accounts receivable, intangibles, inventory, machinery and equipment or real property of the borrower. These activities will be conducted from an office in Seattle, Washington, serving Oregon and Washington. Comments on this application must be received by August 11, 1980.

2. WALTER E. HELLER INTERNATIONAL CORPORATION, Chicago, Illinois (commercial finance activities; Utah, Colorado, Wyoming, Idaho, Nevada, Arizona and Montana): to engage, through its subsidiary, National Acceptance Company of America, in commercial finance activities, including making loans and other extension of credit secured by a lien on accounts receivable, intangibles, inventory, machinery and equipment or real property of the borrower. These activities will be conducted from an office in Salt Lake City, Utah, serving the seven states listed in the caption to this notice. Comments on this application must be received by August 11, 1980.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, July 15, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-21922 Filed 7-21-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Apex Oil Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all stock of Alamand Corporation from Moraga Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Apex. Neither agency intends to take any action with respect to this acquisition during the wating period.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

July 14, 1980.

[FR Doc. 80-21970 Filed 7-21-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[E-80-16]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Texas Public Utility Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. T3Delegation.

a. Pursuant to the authority vested in me by the Federal Property and

Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Texas Public Utility Commission involving the application of the El Paso Electric Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: July 7, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-21928 Filed 7-21-80; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Drug Stability; Availability of Revised Guidelines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the availability of revised guidelines on drug stability to be used as an aid in designing and conducting studies to establish drug stability in support of original or supplemental new animal drug applications (NADA's). The guidelines apply to dosage form drugs and medicated feed products. The agency invites written comments on the guidelines.

ADDRESS: The guidelines are available for public examination at, and comments may be submitted to, the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Single copies are available from the Information Services Staff (HFV-5), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John Markus, Scientific Evaluation (HFV-104), Bureau of Veterinary Medicine, Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) announced the availability of drug stability guidelines developed by the Bureau of Veterinary Medicine (BVM) in the **Federal Register** of November 2, 1976 (41 FR 48150). The guidelines were to be used as an aid in designing and conducting stability studies to meet the requirements of § 514.1(b)(5)(x) (21 CFR 514.1(b)(5)(x)). Section 514.1 specifies the proper form and the information required for new animal drug approval under section 512(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)). The guidelines applied to dosage form drugs and to drugs used in medicated feeds.

On February 1, 1978, BVM revised the original guidelines through a number of editorial corrections and changes, inclusion of procedures for testing containers (with product) in the inverted position, a more detailed schedule of suggested time frames for conducting stability tests, addition of a test for freezing conditions for various dosage forms, changes for sterile preparations and a summary sheet which includes the necessary elements of stability study commitments.

BVM has again revised the guidelines (second revision July 1, 1979) through editorial changes and clarification of various issues, e.g., presentation of suggested time table for conducting the studies. Additionally, the guidelines incorporate aids for designing and conducting studies to meet the requirements of the current good manufacturing practice regulations for pharmaceutical dosage form drugs (21 CFR Part 211). The guidelines also incorporate the revisions made on February 1, 1978.

The guidelines provide a framework within which stability studies providing meaningful and sufficient data may be performed. They are not, however, intended to restrict experimentation.

Requests for single copies of the guidelines should be addressed to the Information Services Staff (HFV-5), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. A copy of the current stability guidelines is on file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Interested persons may submit written comments on the guidelines to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether amendments to or revisions of the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies of comments), identified with the Hearing Clerk docket number found in brackets in the heading of this document. The guidelines and received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-21853 Filed 7-21-80; 8:45 am]

BILLING CODE 4110-03-M

Public Health Service

Office of Health Research, Statistics, and Technology

Designation of State Cooperative Health Statistics System Agencies; Proposed Guidelines

AGENCY: Office of Health Research, Statistics, and Technology, Public Health Service, HHS.

ACTION: Proposed guidelines.

SUMMARY: In this Notice, the Office of Health Research, Statistics, and Technology proposes guidelines under section 306(e) of the Public Health Services Act to assure that statistical activities within States participating in the Cooperative Health Statistics System produce uniform and timely data and assure appropriate access to such data.

DATE: Comments must be received on or before September 22, 1980. All comments should be submitted to: Dr. Gail F. Fisher, Associate Director for the Cooperative Health Statistics System, Room 2-63, Center Building, 3700 East-West Highway, Hyattsville, MD 20782.

All comments received will be available for public inspection and copying at the above address between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday (Federal Holidays excepted).

FOR FURTHER IMFORMATION CONTACT: Dr. Gail F. Fisher (301) 436-7050.

SUPPLEMENTARY INFORMATION:

1. *Purpose.* These proposed guidelines present material to assist States in designating an agency to administer or be responsible for the administration of the statistical activities within the States under the Cooperative Health Statistics System (CHSS). They are being published for the purposes of soliciting comments from all interested parties.

These guidelines include their applicability, the definition of the CHSS, the characteristics and functions expected of designated agencies, and actions required. Final guidelines will be published in the **Federal Register** and all comments will be taken into consideration in their development.

2. *Scope.* These guidelines apply to all States, the District of Columbia, and Puerto Rico. Several States have already designated CHSS agencies and a list of agencies so designated by each State is appended below.

3. *Authority.* The legislative authority for these guidelines is specifically contained in Section 306(e) of the Public Health Service Act as follows:

> States participating in the (Cooperative Health Statistics) System shall designate a State agency to administer or be responsible for the administration of the statistical activities within the State under the System. The Secretary acting through the (National) Center (for Health Statistics), shall prescribe guidelines to assure that statistical activities within States participating in the System produce uniform and timely data and assure appropriate access to such data.

4. *Background.* The objective of the Cooperative Health Statistics System is to provide the initiative for assuring the availability and timeliness of a range of uniform health statistics to governmental agencies and nongovernmental organizations within and among national, State, and local geopolitical jurisdictions. Efforts were initiated more than a decade ago to translate such a cooperative system objective into a reality. The early efforts, initiated by the Federal Government within the National Center for Health Statistics, have evolved over time to encompass other Federal agencies, their State counterparts, and Federal and State legislative activity.

The objective of the System is now recognized by Federal legislation; Section 306(e) of the Public Health Service Act, cited above, formally establishing the Cooperative Health Statistics System (CHSS). The objective is the use of health information by operating through a network of health statistical units at every geopolitical level. One of the major goals of the System is to improve Federal health statistics for planning, evaluation, and budget purposes. Involved in planning and developing the System are the Health Care Financing Administration (HCFA), the Center for Disease Control (CDC), the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), the Health Resources Administration (HRA), the Health Services Administration (HSA), and the National Center for Health Statistics (NCHS).

5. *Definition of the CHSS.* The Cooperative Health Statistics System is a national network of public and private agencies and organizations participating in cooperative efforts to produce comparable and uniform health information and statistics and to assure appropriate and continuous access to such information and statistics by multiple users at the national, State, and local levels.

It is expected that designated State Agencies will adhere to principles for operation of the CHSS which have been developed by NCHS in consideration of demonstrated problems in the design, collection, and use of health statistics.

These principles are:

- *Allow for Provider/User Input*—The System will rely on national, State, and local users and providers of health statistics for input into its design, development, and maintenance.
- *Reduce Reporting Burdens and Duplicative Data Collection*—The System will build on existing systems at each geopolitical level whenever possible to meet the needs of users and thereby minimize costly duplication of effort and respondent burden.
- *Maximize Data Application*—The System functions to promote the utility of at least minimum uniform health statistics as tools to assist in decision-making regarding health care and its delivery in the United States. The network construction of the CHSS should assure the availability of timely information as required at each geopolitical level recognizing that decision-making in health care occurs to varying degrees at all geopolitical levels.
- *Meet Multiple User Needs*—The System is organized for the sharing of at least minimum uniform health data among multiple users.
- *Develop Cooperative Relationships*—The accomplishment of the System's purpose is dependent on cooperation which in many instances must be voluntarily given among geopolitical levels and the public and private sectors. The effective operation of the System can only in part be based on State and Federal legal requirements.
- *Share Costs*—Funding for the System is dependent upon sharing of the costs for its development and maintenance among the multiple sponsors and beneficiaries of the total System. While some funds will be available from DHEW for demonstration and support, funds for the total System will not be available from a central source. Each participating unit will develop and maintain multiple sources of funding.
- *Preserve Confidentiality*—The System will operate through various legal mandates and administrative policies to preserve the required and proper confidentiality of data identifying individuals and yet assure appropriate access to such data by users.
- *Respond to Data Needs*—Designated CHSS units are encouraged to perform functions and maintain data bases in addition to those defined as the minimum for participants in the CHSS.
- *Accept Organizational Variation*—The organization of individual units of the System are not prescribed however minimal levels of function are presented. Organizational structure of a unit can encompass any one of a potential range of organizational forms. The form is not of concern to the System as long as it is structured to permit the defined level of function to be accomplished.
- *Allow Expansion of Functional Scope*—The CHSS, as any system, is dependent upon an evolutionary process for its continued growth of service. Therefore standards, principles, and programs related to the System are designed to assure minimum performance among a large number of organizational units. The System as a whole will become more advanced as the comprising units become more advanced in terms of functional scope.
- *Adopt Minimum Uniform Health Data Sets*—Minimum uniform health data are subject specific sets of health statistics e.g. hospital discharge statistics (including both data items and their definitions) that are needed by multiple agencies and organizations at multiple geopolitical levels. This includes all federally-sponsored data sets that apply to State designated Agencies. Data sets will be developed in accordance with identification of multiple user needs and published. Data sets and their content items will be constructed and reviewed periodically by national, State, and local representatives, both public and private, of health data providers and users. All revisions in data sets also will be published after they have met criteria established by participants in the System.

6. *Functions of the CHSS.* While multiple agencies and organizations are encompassed by the CHSS at each geopolitical unit there is one unit designated at the Federal level, the National Center for Health Statistics, and one unit to be designated at each State level that will be the focal points for stimulating interest, providing coordination, serving as a clearinghouse of health statistical data, developing statistical standards, providing technical assistance, and in other ways promoting

the CHSS as a national health information and statistics network.

These guidelines outline the types of functions the Federal and State CHSS units should perform. The functions these units will carry out are described below. These guidelines provide a structural foundation and are to be followed by more specific guidelines relating to health data required by multiple users at the Federal, State, and local level; standards relating to data classification systems, quality control, data analysis, and related matters.

a. *Federal Unit.* In Section 306(e) of the Public Health Service Act, Congress identified the National Center for Health Statistics as the unit at the Federal level to initiate, guide, support, and monitor the CHSS. Under the provisions of this statute several requirements are placed on the Center.

(1) To prescribe guidelines to assure that statistical activities within States participating in the System produce uniform and timely data and to assure appropriate access to such data.

(2) To coordinate the activities of Federal agencies involved in the design and implementation of the System.

(3) To undertake and support (by grant or contract) research, development and demonstrations, and evaluations respecting the System.

(4) Make grants to and enter into contracts with State and local health agencies to assist them in meeting the costs of data collection carried out under the System.

(5) Review the statistical activities of the Department to assure that they are consistent with the System.

As the Federal unit with responsibility for the successful operation of the System, the National Center for Health Statistics will assist each designated State CHSS Agency in assuming and accomplishing its responsibilities under the System to produce uniform and timely data and assure appropriate access to such data.

b. *Other participating Federal Agencies and National Organizations:* Other Department of Health and Human Services (DHHS) components and national organizations which will participate in development of CHSS include but are not limited to the Health Care Financing Administration (Medicare, Medicaid, and PSRO data); Health Resources Administration (planning, manpower, and facility data); Health Services Administration (family planning, maternal and child health care, and community services data); Alcohol, Drug Abuse, and Mental Health Administration (facilities, manpower, and utilization data); Center for Disease Control (communicable disease data); American Medical Association; and American Hospital Association. Participation of these agencies in the development of the State Agency Designation program will assure that the CHSS principles will be met.

Participation of these other Federal and national agencies will be voluntary and may be limited in scope to only one or a few functions in relation to the designated State Agency or NCHS. The essential function will be coordination of their data collection efforts with the appropriate level of CHSS be it with the NCHS or with the State CHSS Agency.

In turn, as partners in the CHSS, other DHHS components and national organizations conducting health statistics programs involving State and local agencies will be assured that their needs and uses of data will be fully considered by the designated State Agencies and NCHS.

c. *State CHSS Agencies.* The long-range goal of the CHSS program in relation to the State CHSS Agencies is to have in every State a designated CHSS unit having certain common characteristics and a full scope of functional capacities in active operation.

At the present time, the accomplishment of the goal of the program lies in the future. All States have some type of health statistics activity now but the functional scope of this activity and the organizational form of the agencies and/or organizations responsible for the activity vary widely. Many, but not all, States have designated Agencies. Variation in health statistics programs among States is recognized and will be accommodated in the design and implementation of the State Agency Designation program.

T he immediate goal of the State CHSS program is to accomplish CHSS State Agency designation in every State and to assure that initially each designated Agency has certain minimum uniform characteristics (outlined in section 7 below) and a minimum common level of function. Conformance to these characteristics and efficient performance of these functions will assure production of uniform health information and equitable access by all legitimate users. As these goals are accomplished, State CHSS programs will be expanded to include additional characteristics and functions.

The CHSS characteristics and functions are not intended to be restricted to the present or potential health statistical activities of any individual State. Rather they have been designed to assure that among all States there is a common uniform albeit minimum CHSS program.

7. *Desired Characteristics of Designated Agencies.* To assist those responsible in deciding upon the Agency most appropriate for their State to be designated as the State CHSS Agency we are indicating below the characteristics expected of such an Agency. At the time of designation it is not expected that the Agency will possess all these characteristics. None of these characteristics should be considered mandatory but only advisory since the CHSS is a voluntary program. Funding by the Federal Government is not a prerequisite for designation.

- *Public Entity*—The State CHSS Agency will ordinarily be an organizational entity of the State government. A private nonprofit organization may be a designated State Agency if it can be considered and formally recognized as a State Agency in accordance with State constitutional or statutory authority.
- *Adequate Resources*—The State CHSS Agency should have personnel, personnel and technical support services, physical facilities, and funding support that are adequate to support at least the minimum level of function. For example, it should have the capacity to provide minimum information to multiple users, and to provide advice to them on using the data.
- *Adequate Authority*—The State CHSS Agency should have the authority necessary to collect, process, and disseminate data and to protect the confidentiality of data. For data collection and dissemination, authorities may include both government mandates and voluntary agreements with subject individuals or institutions. In the protection of confidentiality, the Agency must have policies and procedures which preclude disclosure of or unwarranted access to confidential or sensitive data. Such safeguards should include legislative authority to protect the identity of respondents, necessary measures to secure records and computer files, including staff educated in safeguarding data confidentiality.
- *Statistical Mission*—It is desirable that as the State CHSS Agency expands functions, especially in the area of analysis that its primary function both within the State in general and to CHSS in particular be that of a multipurpose health statistics agency serving many users and their needs.

8. *Desired Functions of Designated Agencies.* The State CHSS Agency does have options in the administration of the program, namely: (1) Directly undertake functions within the State CHSS Agency, and/or (2) indirectly carry out functions by delegating authorities to other agencies or organizations through

formal agreements to accomplish a function for which the agency is responsible or some portion of it. If an indirect option is elected by a State designated Agency it is still responsible for the effective administration of all functions.

• *Coordination*—The State CHSS Agency should provide assurance to multiple agencies and organizations as to: (1) The quality and timeliness of CHSS data available within the State area, and (2) access to the data.

In carrying out the minimum function of coordination, a wide range of program-related activity is possible. Examples of activities fulfilling this function are:

(1) Identifying the needs for health data in the State, data gaps, and existing data systems that should be participating in the CHSS;

(2) Evaluating the quality of existing data for CHSS purposes;

(3) Review proposed new CHSS-related systems to assure quality of product—integrating where possible existing systems with the proposed new systems;

(4) Seeking agreements for the sharing of CHSS data among multiple collectors and/or users consistent with promises of confidentiality given to data subjects;

(5) Resolving technical and jurisdictional problems using the assistance of health leaders where necessary; and

(6) Maintaining liaison with other State, local, and national CHSS participating programs.

• *Data Collection*—The State Agency should collect at least minimum uniform health data sets gathered by:

(a) Abstracting the data from a primary source record or respondent, or (b) accessing data abstracted by others from primary sources. In undertaking a data collection function either directly or indirectly, the Agency should use or build on existing systems to the extent those systems can produce uniform, timely, and accessible CHSS data.

• *Data Processing*—The State Agency should be able to do or contract for data processing including the coding and editing of abstracted data into machine-readable form, aggregation of abstracted data according to user specifications, and preparation and exchange of data tapes among multiple users.

• *Analysis*—The State Agency should provide analyses of aggregated data (information) including graphic and tabular displays for general statistical purposes for multiple agencies and organizations. To undertake analytic functions, directly or indirectly, appropriate technical staff are required to insure a thorough understanding of the source of the data, the collection mechanism, the processing procedures, the subject matter to which the subject is addressed, and statistical methods.

• *User Services*—The State Agency should provide health data services including information dissemination, training, and technical assistance.

In terms of *information dissemination*, the Agency should provide information to appropriate multiple users. It should adopt a publicly stated policy to provide access at least to information based on the minimum uniform health data sets in all possible forms (general-purpose publications, special studies, newsletters, etc.)—except when such access is prohibited by law or constitutes a violation of confidence established as a condition for obtaining the data.

In terms of *training*, the Agency should encourage and support the development of function-related skills of Agency employees through local universities, training institutions, and the Applied Statistics Training Institute of the National Center for Health Statistics. Training programs related to the functions of the Agency should be sponsored by or endorsed by the Agency or both data providers and users. In addition to the above options, the Agency—resources permitting—should conduct their own training programs relevant to their own employees, contractor's employees, or those of other participating Agencies and organizations.

In terms of *technical assistance*, the State CHSS Agency should provide advice and consultation on request to other Agencies and organizations in the areas appropriate to the Agency's scope of functions.

• *Research and Development*—The State Agency should conduct or support research and development activities related to the Agency's functions (i.e. improving methods of data aggregation) and in general improving the quality of data bases by improving methods of measuring particular subjects (i.e. population health status).

9. *Notification of Designation.* When a State designates an organization as the State CHSS Agency, the State should notify the Assistant Secretary for Health by letter of the designation. Such notification should cite the authority used by the State for designation, such as executive directive or statute. The Assistant Secretary will acknowledge the notification and forward copies of the correspondence to the Regional Health Administrator.

Appendix: List of Currently Designated State CHSS Agencies as of May 14, 1980

Arkansas—State Department of Health, Governor, 4/23/79.
California—Consortium of Three State Agencies, Governor, 2/19/80.
Colorado—Division of Health Statistics and Vital Records, Colorado Department of Health, Governor, 3/1/79.
Hawaii—Department of Health, Governor, 7/30/79.
Illinois—Department of Public Health, Governor, 11/21/79.
Indiana—Indiana State Board of Health, Governor, 4/30/79.
Kansas—Department of Health and Environment, Governor, 10/2/79.
Louisiana—Office of Health Services and Environmental Quality, Department of Health and Human Resources, Governor, 7/23/79.
Maine—Bureau of Health Planning and Development, Department of Human Services, Governor, 12/21/79.
Massachusetts—Office of State Health Planning, Department of Public Health, Governor, 11/6/79.
Michigan—Department of Public Health, Governor, 2/15/80.
Montana—Bureau of Records and Statistics, Department of Health, and Environmental Sciences, Governor, 8/29/79.
New Hampshire—Bureau of Vital Records and Health Statistics, Division of Public Health Services, Legislature, 7/1/79.
New York—Office of Biostatistics, Department of Health, 2/21/79.
North Carolina—Division of Health Services, Department of Human Resources, Governor, 4/9/80.
North Dakota—Office of Statistical Services, North Dakota State, Department of Health, Governor, 12/28/78.
Ohio—Ohio Department of Health, Governor, 1/3/79.
Pennsylvania—Health Data Center, Bureau of Health Data Systems, Pennsylvania Department of Health, Governor, 11/29/78.
Rhode Island—Rhode Island Department of Health, Governor, 1/26/79.
South Carolina—Division of Research and Statistical Services, State Budget and Control Board, South Carolina State Budget and Control Board, 5/13/80.
South Dakota—Center for Health Statistics, Department of Health, Governor, 9/12/79.
Tennessee—Department of Health, Governor, 3/10/80/
Texas—Texas Department of Health, Governor, 2/15/79.
Vermont—Department of Health, Governor, 7/18/79.
Virginia—Bureau of Vital Records and Health Statistics, Department of Health, Governor, 5/14/80.
West Virginia—Health Statistics Center, Department of Health, Governor, 4/9/80.
Wisconsin—Bureau of Health Statistics, Department of Health and Social Services, Governor, 2/7/79.

Dated: May 8, 1980.

Ruth S. Hanst,

Deputy Assistant Secretary for Health Research, Statistics, and Technology.

[FR Doc. 80-21852 Filed 7-21-80; 8:45 am]

BILLING CODE 4110-85-M

INTERNATIONAL COMMUNICATION AGENCY

Selective Assistance, Encouragement and Grant Support to Nonprofit Activities of U.S. Organizations Outside Federal Government

The International Communication Agency announces the second year of a program providing selective assistance, encouragement and grant support to nonprofit activities of United States organizations outside the Federal Government. The primary purpose of the program is to support the enhancement of Americans' competence in world affairs through greater understanding of other societies—their peoples, values, cultures and aspirations.

Project proposals submitted by qualified organizations will be considered for grant support by an International Communication Agency review panel which will meet soon after September 15, 1980 to consider projects which will begin between December 1, 1980 and May 30, 1981. An additional grant cycle is anticipated in spring, 1981. In the spring, 1980 cycle, 39 proposals were funded amounting to approximately one million dollars. Grants ranged from $4,800 to $70,000 with the mean grant at $20,000 and the average approximately $25,000.

For further information concerning the program, including grant application procedures, contact the Office of Private Sector Programs, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, 1776 Pennsylvania Avenue, N.W., Washington, D.C. 20547, or call (202) 632-5268.

Mary Jane Winnett,

Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 80-21955 Filed 7-21-80; 8:45 am]

BILLING CODE 8230-01-M

Temporary Exhibition of Cultural Objects; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "The Search for Alexander" (included in the list [1] filed as a part of this determination), imported into the U.S. within the meaning of the Act, are of cultural significance. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about November 16, 1980, to on or about April 5, 1981; The Art Institute of Chicago, Chicago, Ill., beginning on or about May 14, 1981, to on or about September 7, 1981; the Museum of Fine Arts, Boston, Mass., beginning on or about October 23, 1981, to on or about January 10, 1982; and The Fine Arts Museums of San Francisco, Cal., beginning on or about February 19, 1982, to on or about May 16, 1982, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: July 15, 1980.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 22009 Filed 7-21-80; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DES 80-43]

Outer Continental Shelf, Gulf of Mexico; Availability of Draft Environmental Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sales No. A66 and 66

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental statement relating to a proposed oil and gas lease sale of 385 tracts consisting of 1,979,794 acres of submerged lands on the Outer Continental Shelf of the Gulf of Mexico (OCS Sales No. A66 and 66).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney Street, Houston, Texas; Rosenburg Library, 2310 Sealy Street, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazosport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library, Downtown Branch, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach Street, Gulfport, Mississippi; Mobile Public Library, 701 Government Street, Mobile, Alabama; Montgomery Public Library, 445 South Lawrence Street, Montgomery, Alabama; St. Petersburg Public Library, 3745 Ninth Avenue North, St. Petersburg, Florida; West Florida Regional Library, 200 West Gregory Street, Pensacola, Florida; Northwest Regional Library System, 25 West Government Street, Panama City, Florida; Leon County Public Library, 127 North Monroe Street, Tallahassee, Florida; Lee County Free Library, 3355 Fowler Street, Fort Myers, Florida; Charlotte-Glades Regional Library System, 801 NW Aaron Street, Port Charlotte, Florida; and Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, Florida.

In accordance with 43 CFR 3314.1, a public hearing on the draft environmental statement is scheduled for August 26, 1980, in the Bureau of Land Management Conference Room, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana. The hearing will convene at 9:00 a.m. and will conclude at 5:00 p.m. or earlier, if all scheduled witnesses have testified.

The hearing will provide the Secretary of the Interior with information from government agencies, public and private groups, and others to help evaluate the potential effects of the proposed lease offerings. Comments are solicited concerning the effects of projected sale-related activities on marine, cultural, recreational and other resources of the Gulf of Mexico region.

Interested individuals, representatives of organizations and public officials who wish to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

above address by 4:15 p.m., August 15, 1980. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address. The Bureau will accept written testimony and comments on the draft environmental statement until September 8, 1980. This should allow ample time for those unable to testify at the hearings to make their views known and for the submission of supplemental materials by those who presented oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered as part of the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After testimony and comments have been received and analyzed, a final environmental statement will be prepared.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-21916 Filed 7-21-80; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Notice of Meeting

Notice is hereby given in accordance with P.L. 92-463 that a meeting of the Prineville District Grazing Advisory Board will be held August 19, 1980.

The meeting will begin at 1:00 p.m. in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

Topics on the meeting agenda are: (1) Expenditure of range betterment funds for range improvements in fiscal year 1981, and (2) Development and evaluation of allotment management plans.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board should arrange to do so through the office of District Manager, at the above address, at least two days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the Prineville District Office and made available for public review and reproduction within 30 days following the meeting.

Paul W. Arrasmith,

District Manager.

July 1, 1980.

[FR Doc. 80-21927 Filed 7-21-80; 8:45 am]

BILLING CODE 4310-84-M

[A-9603]

Public Lands in Cochise County, Ariz.; Exchange

July 14, 1980.

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Township 15 South, Range 22 East, G&SRM
Section 24: S½ Lot 4, Lots 5, 8, S½ Lot 10,
Section 25: Lots 1, 5, 6, 10, 11, 13, 14, 15, 16, 17, 18, 19, W½E½, NE¼NW¼, MS 4314 and MS 4197. Containing 775 acres more or less of public land.

In exchange for these lands, the Federal Government will acquire non-Federal land in Graham County, Arizona from Cyprus Mines Corporation. This non-Federal land is known locally as the "Rabbit Farm". The description of the non-Federal land is as follows:

Township 11 South, Range 29 East, G&SRM
Section 1: Lots 1, 2, 3, S½N½, S½.
Section 12: N½NW¼. Containing 643.94 acres more or less.

The purpose of the exchange is to acquire non-Federal lands for use in Federal recreation and wildlife programs in southern Graham County. The exchange is consistent with the Bureau's planning for the lands involved, and has been discussed with Graham County, Cochise County and State of Arizona government officials. The public interest will be well served by making the exchange, which is consistent with the Bureau's planning for the lands involved.

The value of the lands to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States of funds in an amount not to exceed 25% of the total value of the lands to be transferred out of Federal ownership.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions: There will be reserved to the United States rights-of-way for ditches and canals pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945. Reservations concerning the mineral estate will be made following the completion of a mineral survey of the public lands. There are no reservations for the offered lands.

Detailed information concerning the exchange, including the environmental assessment and the record of public input, is available for review at the Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073.

For a period of 60 days, interested parties may submit comments to the Secretary of the Interior, LLM-320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department.

Robert B. Whitaker,

Acting State Director.

[FR Doc. 80-21924 Filed 7-21-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

Intent To Prepare Environmental Impact Statement

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Heritage Conservation and Recreation Service will prepare an Environmental Impact Statement for a proposal to approve the Comprehensive Management Plan (Plan) for the Pinelands National Reserve, located in New Jersey. Pursuant to Section 502 of the National Parks and Recreation Act of 1978 (P.L. 95-625), the Pinelands Commission has been designated as the "planning entity" responsible for developing the Plan and for submitting it to the Secretary of the Interior for approval.

SUPPLEMENTARY INFORMATION: In June of 1980, the Pinelands Commission released for public review and comment a draft of a Comprehensive Management Plan, and it is expected that the Plan will be submitted to the Secretary for approval in November of 1980. Section 502 provides that the Secretary may approve the Plan as submitted or disapprove the Plan and recommend that revisions be made by the planning entity.

The Heritage Conservation and Recreation Service has not yet identified possible alternatives for consideration, but possible alternatives will be

discussed as a part of a public scoping meeting to be held in cooperation with the Pinelands Commission on a date and at a location to be announced. In addition, the Heritage Conservation and Recreation Service will arrange for scoping meetings with several individuals, agencies, and organizations known to have special interest in the Comprehensive Management Plan.

This notice solicits public comment regarding the preparation of the Environmental Impact Statement. Further public comment will be sought on the draft NEPA document through a later **Federal Register** notice.

DATES: Comments must be received by August 22, 1980.

ADDRESS: Send written comments to: Robert W. McIntosh, Regional Director, Heritage Conservation and Recreation Service, 600 Arch Street, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT: Bernard C. Fagan, Outdoor Recreation Planner, Heritage Conservation and Recreation Service, 600 Arch Street, Philadelphia, Pennsylvania 19106, (215) 597–2334.

Dated: July 16, 1980.

Chris Therral Delaporte,

Director, Heritage Conservation and Recreation Service.

[FR Doc. 80-21840 Filed 7-21-80; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Correction

In FR Doc. 80–20677 appearing on page 47481 in the issue of Tuesday, July 15, 1980, make the following corrections:

In the third column of page 47481—

(1) Hawaii should only list one entry for *Honolulu County.*

(2) After the entry under *Honolulu County,* a heading for **INDIANA** should have appeared above *Elkhart County.*

(3) After the entry for *Elkhart County* (Indiana), a heading for **KENTUCKY** should have appeared above *Fayette County.*

BILLING CODE 1505-01-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before July 11, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by August 6, 1980.

Ronald M. Greenberg,

Acting Chief, National Register of Historic Places.

COLORADO

Fremont County

Florence, *McCandless, James A., Building,* 109—111 E. Main St.

MICHIGAN

Wayne County

Detroit, *Harmonie Club, The,* 267 E. Grand River Ave.

MINNESOTA

Kanabec County

KANABEC COUNTY MULTIPLE RESOURCE AREA (Partial Inventory). This area includes: Mora, *Williams, C. E., House,* 206 E. Maple Ave.; *Zetterberg Company,* 630 E. Forest St.; Mora vicinity, *Bronson Farm,* MN 23; *Coin School,* SR 4 and SR 16; Ogilvie, *Ogilvie Watertower,* Anderson St.

Pine County

PINE COUNTY MULTIPLE RESOURCE AREA (Partial Inventory). This area includes: Askov, *Bethlehem Lutheran Church,* Kirke Alle; *Kilstofte, P.P., Farmstead,* SR 33 and MN 23; *Partridge Township Hall,* Kobmagergade; Bruno vicinity, *Cloverton School; Doboszenski Homestead,* SR 43; *Red Clover Land Company Demonstration Farm,* SR 47; Finlayson, *Northern Pacific Combination Depot;* Kerrick, *Hultgren House and Sand Pit,* MN 23; Pine City, *Pine City Naval Militia Armory,* 1st Ave.; Sandstone, *Hinckley Fire Relief House,* Court Ave. and 6th St.; *Minneapolis Trust Company Commercial Building,* Main and 4th Sts.; Sandstone vicinity, *Schwyzer Farmstead,* Off SR 17

St. Louis County

Eveleth, *Bernard, John T., House,* 715 Hayes St.
Eveleth, *Eveleth Manual Training Center,* Roosevelt Ave.
Virginia, *B'nai Abraham Synagogue,* 328 S. 5th St.
Virginia, *Coates House,* 817 S. 5th Ave.
Virginia, *Dr. Lenont House,* 202 N. 5th Ave.
Virginia, *Finnish Sauna,* 105 S. 1st St.
Virginia, *Lumber Mill Manager Residence,* 402 and 404 S. 5th Ave.
Virginia, *Virginia Depot,* 600 Chestnut St.

MISSISSIPPI

Rankin County

Pelahatchie, *Lessel House,* Railroad St. and Brooks Ave.

MISSOURI

Andrew County

Savannah, *Andrew County Courthouse,* 4th and Main Sts.

Buchanan County

St. Joseph, *Miller, Issac, House,* 3003 Ashland Ave.

Gentry County

Albany, *Gentry County Courthouse,* Public Sq.

Jackson County

Kansas City, *Chicago Apartments,* 1110–1112 E. Armour Blvd.

Livingston County

Chillicothe, *Grace Episcopal Church and Buildings,* 421 Elm St.

Marion County

Hannibal, *Rockcliffe Mansion,* 1000 Bird St.

Mississippi County

Charleston, *Moore House,* 403 N. Main St.

Nodaway County

Maryville, *Big Pump,* 903 S. Main St.
St. Louis (independent city)
Page Boulevard Police Station, Page and Unions Blvds.
S.S. Admiral (excursion steamer)
Unitarian Church of the Messiah, Locust and Garrison Sts.

St. Louis County

Affton vicinity, *Sappington, Joseph, House,* SW of Affton at 10734 Clearwater Dr.
Crestwood vicinity, *Sappington, Zephaniah, House,* S of Crestwood at 11145 Gravois Rd.
Kirkwood, *Hoffman-Ward House,* 142 W. Monroe Ave.
University City, *Link, Theodore, Historic District,* 7100, 7104 and 7108 Delmar Blvd.
Warrenton, *Schowengerdt, Ernst, House,* 308 E. Boone's Lick Rd.

NEBRASKA

Lancaster County

Lincoln, *Veith Building,* 816 P St.
Lincoln, *Woods Brothers Building,* 132 S. 13th St.

NEW YORK

Broome County

Binghamton, *Rose, Robert H., House,* 3 Riverside Dr.

SOUTH CAROLINA

Pacolet Soapstone Quarries Thematic Resources. Reference—see individual listings under Cherokee and Spartanburg Counties.

Cherokee County

Gaffney vicinity, *Archeological Site 38CK1 (Pacolet Soapstone Quarries Thematic Resources)*
Gaffney vicinity, *Archeological Site 38CK44 (Pacolet Soapstone Quarries Thematic Resources)* (also in Spartanburg County)
Gaffney vicinity, *Archeological Site 38CK45 (Pacolet Soapstone Quarries Thematic Resources)*

Spartanburg County

Archeological Site 38CK44 (Pacolet Soapstone Quarries Thematic Resources. Reference—see Cherokee County.
Pacolet vicinity, *Archeological Site 38SP11 (Pacolet Soapstone Quarries Thematic Resources)*
Pacolet vicinity, *Archeological Site 38SP12 (Pacolet Soapstone Quarries Thematic Resources)*
Pacolet vicinity, *Archeological Site 38SP13 (Pacolet Soapstone Quarries Thematic Resources)*
Pacolet vicinity, *Archeological Site 38SP14 (Pacolet Soapstone Quarries Thematic Resources)*
Pacolet vicinity, *Archeological Site 38SP17 (Pacolet Soapstone Quarries Thematic Resources)*
Pacolet vicinity, *Archeological Site 38SP18 (Pacolet Soapstone Quarries Thematic Resources)*
Pacolet vicinity, *Archeological Site 38SP19 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP20 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP21 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP23 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP52 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP53 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP54 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP56 Pacolet Soapstone Quarries Thematic (Resources)*
Pacolet vicinity, *Archeological Site 38SP57 Pacolet Soapstone Quarries Thematic (Resources)*

UTAH

Wasatch County

Heber City, *Wasatch Saloon,* Main St.

Bennington County

North Bennington, *North Bennington Historic District,* VT 67 and VT 67A

WISCONSIN

Calumet County

Stockbridge vicinity, *Stockbridge Indian Cemetery,* N of Stockbridge off WI 55

Dane County

Madison, *American Exchange Bank,* 1 N. Pinckney St.
Madison, *Lincoln School,* 728 E. Gorham St.
Madison, *Madison Waterworks,* N. Hancock St.
Mazomanie, *Mazomanie Town Hall,* 51 Crescent St.

Grant County

Potosi, *Potosi Brewery,* Main St.

Richland County

Richland Center, *Richland Center City Auditorium,* 182 N. Central Ave.

Shawano County

Gresham vicinity, *Lutheran Indian Mission,* NE of Gresham on WI G

Waupaca County

Waupaca, *Browne Law Office,* 202 E. Union St.

[FR Doc. 80-21486 Filed 7-21-80; 8:45 pm]
BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-156 (Sub-8F)]

Delaware & Hudson Railway Co.—Abandonment—In the City of Saratoga Springs, N.Y.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 2, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subjecting to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Delaware and Hudson Railway Company of a line of railroad known as the Saratoga Industrial Track which extends from milepost A 36.08 (Valuation Station 9+93) to milepost A 37.46 (Valuation Station 83+00) in the City of Saratoga Springs, Saratoga County, NY, constituting a total distance of 7,307 feet or 1.38 miles. A certificate of public convenience and necessity permitting abandonment was issued to the Delaware and Hudson Railway Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than August 6, 1980. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective September 5, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21885 Filed 7-21-80; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC 43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: July 2, 1980.

RPD, Inc. (No. MC-136051), has filed an application for approval of Contract Carrier Rental Contract No. 36001 with General Motors Corp., General Parts Division, of Flint, Michigan, lessee, pursuant to § 1057.41(d) of the Lease and Interchange of Vehicles regulations (49 CFR 1057.41(d)), *Lease and Interchange of Vehicles,* 131 M.C.C. 141 (1979).

Findings:

1. RPD, Inc., is presently authorized as a contract carrier to transport commodities for General Motors Corporation, General Parts Division.

It is ordered:

1. Applicant's request for approval of Contract Carrier Rental Contract No. 36001 is granted on condition that such approval remain effective only for as long as applicant remains an authorized contract carrier.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21887 Filed 7-21-80; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29421F]

New York, Susquehanna and Western Railway Corp. Acquisition and Operation—of a Line of Railroad in Hudson, Bergen, Passaic, Morris, and Sussex Counties, N.J.

The New York, Susquehanna and Western Railway Corporation (Applicant) 1 Railroad Avenue, Cooperstown, NY 13326, represented by Walter Rich, President, 1 Railroad Avenue, Cooperstown, NY 13326, with a copy to William P. Quinn, Counsel for Applicant, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106, hereby gives notice that on the 14th of July 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and

authorizing the acquisition and operation by Applicant of a line of railroad extending from a point at Croxton Yard, NJ, a distance of 59.9 miles. The United States District Court for the District of NJ has ordered the Trustee of New York, Susquehanna & Western Railroad Company, Debtor (Trustee) to abandon operation of the said line of railroad, and Applicant proposes to commence operations only after cessation of operations by the Trustee.

Applicant also proposes to acquire the line of railroad now operated by the said Debtor's subsidiary, Susquehanna Connecting Railway Company (Susquehanna Connecting) as its Suscon Branch, extending from Suscon to Hillside Junction, all within Luzerne and Lackawanna Counties, PA. The Suscon Branch is operated by Consolidated Rail Corporation (Conrail).

The line of railroad of the Susquehanna extends through the counties of Hudson, Bergen, Passaic, Morris and Sussex, NJ. The line of railroad known as the Suscon Branch lies within Luzerne and Lackawanna Counties, PA.

The Susquehanna commences at milepost 0.0 at Croxton Yard, Hudson County, NJ, and extends in a general northwesterly direction a distance of 59.9 miles to its terminus at Sparta Junction, Sussex County, NJ. The Susquehanna has three branches extending from its main line. The Edgewater Branch has a total of 6.0 miles of track, extending from a connection with the main line to Edgewater and then branching to the south to the connection with Conrail at Weehawken, branching to the north to the northern property lines of the Alcoa Co. and extending east to the Seatrain dock. The Passaic branch, extending to Garfield, has a total of 3.1 miles of track, and the Lodi Branch, extending to Lodi, has a total of 2.4 miles of track. The Suscon Branch of Susquehanna Connecting from Suscon to Hillside Junction, PA, has a total of 5.0 miles of track which would be included in the proposed acquisition.

In the opinion of the Applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC, 20423, and the aforementioned counsel for Applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitiled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-21888 Filed 7-21-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *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) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely 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.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

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 administrative 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.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience

and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service 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 regulation. 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 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 petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (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 the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 209

Decided: June 19, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 2421 (Sub-32F), filed April 29, 1980. Applicant: NEWTON TRANSPORTATION CO., INC., 510 Greer Circle, S.W., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Transporting *new furniture and furniture parts*, from the facilities of Bernhardt Furniture Company, at Troutman and Statesville, NC, to points in IL, IN, and PA. (Hearing site: Charlotte, NC, or Washington, D.C.)

MC 2900 (Sub-422F), filed April 23, 1980. Applicant: RYDER TRUCK LINES, INC., Ranger Division, 2050 Kings Rd., P.O. Box 2408–R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting: (1) mineral oil, in bulk and in cargo containers, restricted to traffic having a prior or subsequent movement by water and (2) cargo containers, between Lake Charles and New Orleans, LA and Jacksonville, FL, on the one hand, and, on the other Gretna, LA. (Hearing site: Washington, DC.)

MC 4941 (Sub-99F), filed April 26, 1980. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting: (1) *materials, supplies, and equipment* used in the manufacture and erection of buildings, and (2) *iron and steel articles*, from the facilities of Morin Building Products Co., Inc., at Bristol, CT to points in the U.S. (except CT, HI, MA, NH, RI, and DC). (Hearing site: Boston, MA or Washington, DC.)

Note.—Dual operations may be involved.

MC 5470 (Sub-224F), filed April 23, 1980. Applicant: TAJON, INC., R. D. 5, Mrecer, PA 16137. Representative: Brian L. Troiano, 918—16th Street, NW., Washington, DC 20006. Transporting *alloys, ores, and metals*, in dump vehicles, between points in Jefferson, Marshall, and Shelby Counties, AL, on the one hand, and, on the other, those points in the U.S in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 35320 (Sub-586F), filed April 23, 1980. Applicant: T. I. M.E.—DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, TX and Jackson, MS over U.S. Hwy 80, serving the intermediate points of Shreveport, Ruston and Monroe, LA, and Vicksburg, MS. (Hearing site: Dallas, TX or Jackson, MS.)

Note.—Applicant intends to tack this authority with its existing regular routes authority.

MC 41951 (Sub-50F), filed April 29, 1980. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *foodstuffs and materials and supplies* used in the manufacture or distribution of foodstuffs (except commodities in bulk), (1) between the facilities of Vlasic Foods, Inc. at or near Millsboro, DE, Imlay City, Bridgeport, and Memphis, MI, and Greenville, MS, to those points in the U.S. in and east of TX, OK, KS, MO, IA, and WI. (Hearing site: Washington, DC.)

MC 42011 (Sub-65F), filed April 25, 1980. Applicant: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: J. G. Dail, Jr., P.O. Box LL, McLean VA 22101. Transporting *construction materials, construction equipment, and construction supplies*, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by (a) Fish Engineering and Construction, Inc., (b) Litwin Engineers and Construction, Inc., (c) Foster Wheeler Energy Corp., (d) Pro Con Incorporated, (e) Stone & Webster Engineering Corp., (f) C. E. Lummus Company, and (g) Davey McKee Corporation. (Hearing site: Houston, TX.)

MC 44801 (Sub-16F), filed April 30, 1980. Applicant: DICK HARRIS AND SON TRUCKING CO., INC., P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by printing businesses (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic from or to facilities used by R. R. Donnelley & Sons Company. (Hearing site: Washington, DC.)

MC 47171 (Sub-170F), filed April 25, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except those of unusual value, class A and explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Cape May, Ocean, Atlantic, Burlington, Camden, Gloucester, Hunterdon, and Mercer Counties, NJ (except those points in Atlantic, Burlington, Camden, Gloucester, Hunterdon, and Mercer Counties within the Philadelphia, PA

commercial zone). Those in Monmouth County, NJ, south of NJ Hwy 33 and those in Passaic County , NJ, west of U.S. Hwy 202, on the one hand, and on the other, points in NC, SC, and Clayton, Cobb, Coweta, DeKalb, Fayette, Fulton, Gwinnett, Henry, and Rockdale Counties, GA. (Hearing site: Washington, DC.)

MC 56640 (Sub-50F), filed April 29, 1980. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94621. Representative: Kirk Wm. Horton, 333 Hegenberger Road, Wells Fargo Bank Building, Suite 400, Oakland, CA 94621. Transporting *canned and preserved foodstuffs* from the facilities of the J. M. Smucker Company at or near Salinas, CA, to points in WA and UT, Restricted to traffic originating at the named facilities. (Hearing site: San Francisco, CA.)

MC 57591 (Sub-32F), filed April 22, 1980. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Albert L. Evans, Jr. (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and commodities requiring special equipment), between the facilities of Aetna Warehousing Co at Pottsville, PA, on the one hand, and, on the other, points in CN, DE, MD, MA, NJ, NY, RI, VA, and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 57591 (Sub-33F), filed April 25, 1980. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk) between Harrisburg, PA, on the one hand, and, on the other, points in Lackawanna, Luzerne, Carbon, Monroe, Northampton, Lehigh, Bucks, Berks, Delaware, Montgomery, Chester, Lancaster, York, Cumberland, Dauphin, Lebanon, Schuylkill, Northumberland, Columbia, Montour, Union, Lycoming and Snyder Counties, PA. (Hearing site: Philadelphia, PA.)

MC 75320 (Sub-228F), filed April 23, 1980. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Newton, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operation. (Hearing site: Chicago, IL.)

MC 75320 (Sub-229F), filed. April 24, 1980. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO. 65801. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Broderick & Bascom Rope Company at or near Sadlia, MO as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: St. Louis, MO.)

MC 89700 (Sub-3F), filed April 25, 1980. Applicant: PLANES MOVING & STORAGE, INC., 4347 Indeco Court, Cincinnati, OH. Representative: Richard D. Mathias, Suite 1200, 1100 Connecticut Ave. N.W., Washington, DC 20036. Transporting *household goods as defined by the Commission* between points in Hamilton County, OH, and Boone, Campbell and Kenton Counties, KY, on the one hand, and, on the other, points in AL, AR, GA, IA, MD, MS, NY, NC, PA, SC, VA, WI, and DC, and between points in Ohio except those in Hamilton County, points in Kentucky, except those in Boone, Campbell, and Kenton Counties, and point in Dearborn, Ohio and Switzerland Counties, IN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, IA, KY, MD, MI, MS, MO, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Cincinnati, OH.)

MC 96891 (Sub-6F), filed April 29, 1980. Applicant: ALLSTATE TRUCKING, INC., Bolack Blvd., P.O. Box 1936, Farmington, NM 87401. Representative: James E. Snead, 215 Lincoln Avenue Post Office Box 2228, Santa Fe, NM 87501. Transporting *frac sand* and *cement*, in bulk, from Grand Junction, Denver, Colorado Springs, Pueblo, Portland, and Florence, CO, and Amarillo, TX, to points in San Juan, Rio Arriba, and McKinley Counties, NM. (Hearing site: Albuquerque or Farmington, NM.)

MC 106401 (Sub-85F), filed April 29, 1980. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting (1) *plastic bottles*, from the facilities of Sewell Plastics, Inc., at or near Mauldin, SC, to those points in TN on and east of Interstate Hwy, 75 and those points in VA on and west of U.S. Hwy 220, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of plastic bottles, (except commodities in bulk) in the reverse direction. (Hearing site: Charlotte, NC, or Greenville, SC.)

MC 106961 (Sub-2F), filed April 24, 1980. Applicant: SPEAR TRUCKING CORP., 3 Brick Kiln Road, North Billerica, MA 01862. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001. Over regular routes, transporting *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 Jersey City, NJ, and North Billerica, MA, (1) from Jersey City over Interstate Hwy 95 to Boston, MA, then over U.S. Hwy 3 to North Billerica, and return over the same route, (2) from Jersey City over Interstate Hwy 95 to New Haven, CT, then over Interstate Hwy 91 to Hartford, CT, then over Interstate Hwy 86 to junction Interstate Hwy 90 then over Interstate Hwy 90 to Boston, MA, then over U.S. Hwy 3 to North Billerica, and return over the same route, and (3) from Jersey City over Interstate Hwy 95 to New London, CT, then over CT Hwy 52 to the CT–MA state line, then over MA Hwy 52 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Boston, MA, then over U.S. Hwy 3 to North Billerica, and return over the same route, serving New York, NY, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic and Union Counties, NJ and points in MA as intermediate and off-route points. Condition: Issuance of a certificate is conditioned upon the presentation by applicant of a plan to eliminate any duplication, i.e., by imposing conditions on its existing authority or by cancelling existing authority. (Hearing site: New York, NY, or Washington, DC.)

Note.—Applicant states that this application is being filed for the purpose of converting all of its authority from irregular-route to regular-route authority.

MC 108341 (Sub-188F), filed April 29, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting *iron and steel articles* between Harrisburg, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108341 (Sub-189F), filed April 29, 1980. Applicant: MOSS TRUCKING

COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *cylinders, machinery, machinery parts, castings, and forgings, and* (2) *commodities* which, because of size or weight, require the use of special equipment, between the facilities used by Finch Manufacturing Company at or near West Pittston, PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 109331 (Sub-6F), filed April 21, 1980. Applicant: NILSON VAN & STORAGE, a Corporation, P.O. Box 3256, Columbia, SC 29203. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, SC 29201. Transporting *household goods,* as defined by the Commission, between points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, PA, NC, OH, OK, RI, SC, TN, TX, VT, VA, WV, and DC. (Hearing site: Columbia, SC, Charlotte, NC, or Washington, DC.)

MC 110410 (Sub-26F), filed April 25, 1980. Applicant: BENTON BROS. FILM EXPRESS, INC., P.O. Box 54327, Atlanta, GA 30308. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting *printed matter* between points in FL, those in GA on, south and east of a line beginning at the GA–SC state line and extending along U.S. Hwy 278, to junction with U.S. Hwy 19, then along U.S. Hwy 19 to junction with U.S. Hwy 319, and then along U.S. Hwy 319 to the GA–FL State line, and Evans, GA. (Hearing site: Atlanta, GA.

MC 114211 (Sub-463F), filed April 24, 1980. Applicant: WARREN TRANSPORT, INC, P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *metal buildings,* complete, knocked down or in sections, and *parts and accessories* for metal buildings, between points in the U.S. (including AK, but excluding HI), restricted to traffic moving from, to, or between the facilities used by Argus Steel Corporation. (Hearing site: Des Moines, IA.

MC 115841 (Sub-763F), filed April 22, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 22168, McBride Lane, Knoxville, TN 37922. Representative: D. R. Beeler (same address as applicant). Transporting *such commodities* as are dealt in by department stores (except commodities in bulk), from Charlotte, NC, to Pittsburgh, PA. (Hearing site: Pittsburgh, PA or Washington, D.C.

MC 115931 (Sub-116F), filed April 24, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *pipe and irrigation systems,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Kroy Industries, Inc., at or near (a) Garden City, KS, and (b) York, NE, on the one hand, and, on the other, those points in the U.S. in and west of MI, IN, IL, MO, AR, MS, and LA (except AK and HI). (Hearing site: Omaha, NE.)

MC 115931 (Sub-117F), filed April 24, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *agricultural and industrial carts,* and (2) *parts and attachments* for the commodities in (1) above, from the facilities of Alloy Welding, Inc., at or near Racine, WI, to points in the U.S. (except AK and HI). (Hearing site: Milwaukee, WI.

MC 115931 (Sub-118F), filed April 24, 1980. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987 Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 59108. Transporting (1) *aluminum pipe and irrigation systems,* and (2) *materials, equipment, and supplies* used in the distribution of the commodities in (1) above, from the facilities of Heinzman Engineering, Inc., at or near Grand Island, NE, to points in the U.S. (except AK and HI). (Hearing site: Omaha, NE.)

MC 116280 (Sub-23F), filed April 25, 1980. Applicant: W.C. McQUAIDE, INC. 153 Macridge Avenue, Johnstown, PA 15904. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA. 17101. Transporting *wood products* from the facilities of S & S Wood Specialties, Inc. in Croyle Township, Cambria County, PA to Fredericksburg, VA. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 117940 (Sub-364F), filed April 25, 1980. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those required special equipment), between points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities used by General Mills, Inc. (Hearing site: Minneapolis or St. Paul, MN.)

MC 119531 (Sub-185F), filed April 24, 1980. Applicant: SUN EXPRESS, INC., Post Office Box 1031; Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers of containers, (except in bulk), between the facilities used by The American Can Company at Pevely, MO, on the one hand, and, on the other, points in IL, IA, IN, KS, KY, MN, OH, TN, WI, NY, NJ, PA, and MD, and the Lower Peninsula of MI. (Hearing site: Columbus, OH.)

MC 119741 (Sub-266F), filed April 22, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *fireplaces and fireplace accessories,* (1) from the facilities of MARCO Manufacturing, Inc., at or near Louisville, KY, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, and (2) between the facilities of MARCO Manufacturing, Inc., at or near Louisville, KY, on the one hand, and, on the other, Lynwood, CA. (Hearing site: Louisville, KY.)

MC 121060 (Sub-123F), filed April 22, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same address as applicant). Transporting (1) *pipe, fittings, valves, hydrants, castings, manhole covers and manhole frames,* and (2) *materials, equipment* and *supplies* used in the manufacture and installation of the commodities in (1) above (except commodities in bulk), between the facilities of Clow Corporation at Coshocton, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Chicago, IL.)

MC 121821 (Sub-7F), filed April 24, 1980. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Over regular routes, transporting *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 Loudon and Nashville, TN: from Loudon, over TN Hwy 72 to junction, Interstate Hwy 75,

then over Interstate Hwy 75 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Nashville, and return over the same route, serving points in Loudon County, TN, as intermediate or off-route points. (Hearing site: Nashville, TN or Atlanta, GA.)

Note.—Applicant proposes to tack this authority with existing regular route authority.

MC 121821 (Sub-8F), filed April 25, 1980. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between Chattanooga and Pulaski, TN, over U.S. Hwy 64, serving Fayetteville, TN, as an intermediate point. (Hearing site: Nashville, TN, or Atlanta, GA.)

Note.—Aplicant intends to tack this authority with its existing regular-route authority.

MC 124511 (Sub-61F), filed April 25, 1980. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Transporting (1) *refractories, refractory products, insulation,* and *insulating materials,* and (2) *materials, equipment,* and supplies used in the manufacture, distribution, and installation of the commodities in (1) above between the facilities of A. P. Green Refractories Company, Inc., at (a) Bessemer and Kimberly, AL, (b) Macon, GA, (c) Goose Lake, IL, (d) Fulton and Mexico, MO, (e) East Greenville, Jackson, and Oak Hill, OH, (f) Climax, Tarentum, and Philadelphia, PA, (g) Woodbridge, NJ, (h) Pueblo, CO, (i) Pryor, OK, (j) Thermo, TX, and (k) Troy, ID on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: St. Louis, MO or Chicago, IL.)

MC 126320 (Sub-15F), filed April 30, 1980. Applicant: DETTINBURN TRUCKING, INC., Route 3, Box 24, Petersburg, WV 26847. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *lime, limestone, and limestone products* (1) from Saltville, VA, to points in AL, GA, KY, MD, NC, OH, SC, TN, WV, and DC; and (2) from points in Pendleton County, WV, to points in AL, GA, KY, MD, OH, SC, TN, and DC. (Hearing site: Washington, DC.)

MC 126461 (Sub-7F), filed April 22, 1980. Applicant: PACIFIC FREIGHTWAYS, LTD., 8020 Enterprise Street, Burnaby, B.C. Canada V5A 1V7. Representative: Anthony W. Dougherty, 2120 Pacific Building, Seattle, WA 98104. In foreign commerce only, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, requiring special equipment and motor vehicles) in containers, and (2) containers between ports of entry on the international boundary line between the U.S. and Canada at or near Blaine, WA, on the one hand and, on the other, Seattle and Tacoma, WA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA.)

MC 127811 (Sub-24F), filed April 22, 1980. Applicant: BRYNWOOD TRANSFER, INC., 175—8th Avenue SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *iron and steel articles,* from Minneapolis, MN to points in IL, IA, ND, SD, WI and the Upper Peninsula of MI. (Hearing site: St. Paul, MN.)

MC 128290 (Sub-9F), filed April 25, 1980. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Transporting (1) *plastic film, plastic sheeting, counters, heels, pads, shanks, soles, soling, tops and welting,* from Winchester, VA, Lebanon, PA, and Hawthorne, NJ, to points in MD, PA, NJ, NY, CT, MA, RI, NH, NC, and VA and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

Note.—Dual operations maybe involved.

MC 128720 (Sub-8F), filed April 23, 1980. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting of (1) *candy and fruitcakes,* and (2) *materials, equipment and supplies* used in the manufacture of candy and fruitcakes, between points in IN, IL, GA, SC and TX, on the one hand, and, on the other, the facilities of Russell Stover Candies at or near Cookeville, TN. (Hearing site: Cookeville, TN.)

MC 128831 (Sub-16F), filed April 22, 1980. Applicant: DIXON RAPID TRANSFER, INC., Rt. 64, East, Mt. Morris, IL 61054. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Transporting (1) *agricultural implements parts for agricultural implements* and (2) *equipment, materials, and supplies* used in the manufacture, sale and distribution of the commodities in (1) above between Oregon, IL, on the one hand, and, on the other, Columbus, OH, Memphis, TN, and Richmond, VA. (Hearing site: Chicago, IL.)

MC 133591 (Sub-105F), filed April 24, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Transporting: (1) *electric motors, grinders, buffers, dental lathes, dust collectors and pedestals;* (2) *parts, accessories* and *attachments* for the commodities in (1) above, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except commodities in bulk), between St. Louis, MO, Westville, OK, and Columbia, MS. (Hearing site: Kansas City, MO.)

MC 133841 (Sub-19F), filed April 22, 1980. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *machinery and cable,* between New York, NY, Baltimore, MD, Philadelphia, PA, New Orleans, LA, and Houston, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI) restricted to traffic having a prior subsequent movement by water, and (2) *cable reels,* from points in the U.S. (except AK and HI), to Marion, IN. (Hearing site: New York, NY or Washington, DC.)

MC 134501 (Sub-85F), filed April 22, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture* (a) from Batesville, MS, to points in AL, AR (except Little Rock, Stamps, Waldron and Camden, and Saline, Sebastian, and Crawford Counties) FL, GA, SC, and DC, and Hamblen County, TN, (b) from Okolona MS, to points in AL, AR (except Little Rock, Stamps, Waldron, Camden and Saline, Sebastian, and Crawford Counties) FL, GA, MD (except those in MD on and west of a line beginning at the MD–DC boundary and extending along U.S. Hwy 1 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the MD–DE state line), SC, VA (except those in Frederick, Clarke, Loudoun, Fauquier, Rappahannock, Warren and Shenandoah Counties) and WV (except those on and north of a line beginning at the KY–WV state line and extending along U.S. Hwy 119 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction U.S. Hwy 19, then along U.S. Hwy 19 to

junction U.S. Hwy 33, then along U.S. Hwy 33 to the WV–VA state line), DC, and Hamblen County, TN, (c) from points in AL to points in MI, MO, IL, IN, OH, PA, NJ, NY, CT, RI, MA, VT, NH, ME, DE, MD, WV, KY, TN (except Shelby County) NC, SC, GA, VA, FL, MS, LA, and TX (except those on, north and west of a line beginning at the AR–TX state line and extending along U.S. Hwy 67 to Dallas, then along Interstate Hwy 35–E to junction Interstate Hwy 35, then along Interstate Hwy 35 to junction U.S. Hwy 84, then along U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 290, then along U.S. Hwy 290 to junction U.S. Hwy 80, then along U.S. Hwy 80 to the TX–NM state line), and DC, and (2) *fixtures*, from Batesville and Okolona, MS, and points in AL, to points in the U.S. (except AK and HI). (Hearing site: Tampa, FL, Dallas, TX, or Washington, DC.)

MC 134501 (Sub-86F), filed April 29, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *doors*, from Cuero, TX, to points in the U.S. (except AL, AK, AZ, CA, CO, HI, MI, MT, NE, NM, NV, OR, SD, UT, WA, WI, and WY), and (2) *architectural millwork and fixtures and supplies* used in the installation of architectural millwork, from Cuero, TX, to points in ther U.S. (except AK and HI). (Hearing site: San Antonio or Dallas, TX, or Washington, DC.)

MC 135070 (Sub-165F), filed April 29, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *traffic control products, pavement marking compounds, cullet, and glass beads;* and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and application of the commodities in (1) above, (except commodities in bulk), between points in Cobb County, GA, on the one hand, and, on the other, points in AR, CO, CT, DE, IA, IL, IN, KS, LA, MA, MD, ME, MI, MN, MO, NE, NH, NJ, NY, OH, OK, PA, RI, TX, VA, VT, WV, WI, and DC. (Hearing site: Atlanta, GA, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 138000 (Sub-69F), filed April 30, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting (1) *paint*, and (2) *materials and supplies* used in the manufacture of paint (except commodities in bulk), between Chicago, IL, Baltimore, MD, and Atlanta, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Baltimore, MD.)

Note.—Dual operations may be involved.

MC 138861 (Sub-18F), filed April 30, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 20814. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, MA, and points in RI, on the one hand, and, on the other, points in FL, restricted to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8). (Hearing site: Washington, DC or Boston, MA.)

Note.—Dual operations may be involved.

Passenger

MC 63390 (Sub-21F), filed April 30, 1980. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, PA 19530. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Berks, Lehigh, and Northampton Counties, PA, and extending to points in the U.S., including AK but excluding HI. (Hearing site: Reading, PA or Allentown, PA.)

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Decided: June 19, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones

MC 13547 (Sub-9F), filed June 9, 1980. Applicant: LEONARD BROTHERS TRANSPORT COMPANY, INC., 1528 West 9th St., Kansas City, MO 64101. Representative: Joe M. Lock (same address as applicant). Over regular routes, transporting *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 Kansas City, MO, and the facilities of Mattingly Stores, Inc. at Lexington, MO over U.S. Hwy 24, serving the facilities of Mattingly Stores, Inc., at Buckner, MO as an intermediate point. (Hearing site: Kansas City, MO.)

MC 29647 (Sub-47F), filed June 10, 1980. Applicant: CHARLTON BROS. TRANSPORTATION CO., INC., P.O. Box 2097, Hagerstown, MD 21740. Representative: Charles E. Creager, P.O. Box 1417, 1329 Pennsylvania Ave., Hagerstown, MD 21740. Transporting: *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) and in containers or in trailers, between points in DE, MD, WV, VA, PA, NJ and DC, restricted to traffic having a prior or subsequent movement by rail, water or air. (Hearing site: Washington, DC.)

MC 42487 (Sub-992F), filed June 2, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *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 requiring special equipment) serving the facilities of Stutz Products Corp., St. Joe Paper Co.—Container Division, Overhead Door Co. of Indiana and Crist, Inc., at or near Hartford City, IN and Montpelier Glove of Indiana, and Gripco Fastener Division—Mite Corporation at or near Montpelier, IN, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 49387 (Sub-58F), filed June 10, 1980. Applicant: ORSCHELN BROS. TRUCK LINES, INC., U.S. Hwy 24 East, P.O. Box 658, Moberly, MO 65270. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Over regular routes, transporting *General commodities* (except those of unusual value, classes and B explosives, commodities in bulk, household goods as defined by the Commission, and those commodities requiring special equipment) (1) between St. Louis, MO and Indianapolis, IN, over Interstate Hwy 70, serving no intermediate points, and serving the junctions of Interstate Hwy 70 and U.S. Hwy 41, and Interstate Hwy 70 and Interstate Hwy 57 for purposes of joinder only (2) between Hannibal, MO, and Indianapolis, IN, over U.S. Hwy 36 serving the intermediate points of Decatur, Jacksonville and springfield, IL, and the junctions of U.S. Hwy 36 and U.S. Hwy 51, U.S. Hwy 36 and Interstate Hwy 57, and U.S. Hwy 36 and U.S. Hwy 51 for purposes of joinder only (3) between

Peoria, IL, and Indianapolis, IN, over Interstate Hwy 74, serving the intermediate point of Danville, IL, and the off-route point of Crawfordsville, IN, and the junctions of Interstate Hwy 74 and U.S. Hwy 66, Interstate Hwy 74 and U.S. Hwy 51, Interstate Hwy 74 and Interstate Hwy 47, and Interstate Hwy 74 and U.S. Hwy 41 for purposes of joinder only and (4) between the junction of Interstate Hwy 74 and U.S. Hwy 41 and Evansville, IN, over U.S. Hwy 41, serving the intermediate point of Terre Haute, IN, and the junction of U.S. Hwy 36 and U.S. Hwy 41 for purposes of joinder only. Applicant proposes to tack this authority with its existing authority and to interline with other carriers. (Hearing site: St. Louis, MO.)

MC 60186 (Sub-69F), filed June 3, 1980. Applicant: NELSON FREIGHTWAYS, INC., P.O. Box 1358, 47 East Street, Rockville, CT 06066. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penna. Ave. & 13th St., NW, Washington, DC 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk in tank vehicles) between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, VA, WV, DE, MD, OH and DC, restricted to shipments having an immediate prior or subsequent movement by rail. (Hearing site: Washington, DC.)

MC 63417 (Sub-290F), filed June 11, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (Same address as applicant). Transporting (1)(a) *new furniture and store fixtures* and (b) *parts and accessories* for (a), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of commodites in (1) above (except commodities in bulk and those requiring special equipment) between the facilities of Maytex Mfg. Co., at or near Terrell, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Roanoke, VA or Washington, DC.)

MC 69116 (Sub-273F), filed June 2, 1980. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Transporting *lumber and lumber products*, from Greenville and Madison, GA, to those points in the U.S. in and east of MN, IA, MO, AR, and TX. (Hearing site: Chicago, IL.)

MC 99427 (Sub-48F), filed June 10, 1980. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *sulfuric acid*, in bulk, (1) from points in Hidalgo County, NM to points in AZ, and (2) from Morenci and Inspiration, AZ to points in NV. (Hearing site: Phoenix, AZ, or Albuquerque, MN.)

MC 102616 (Sub-1031 F), filed June 12, 1980. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Transporting inedible animal oils and greases and by-products thereof, in bulk, in tank vehicles, from points in AL, GA, NC, and SC to points in AL, DE, GA, MD, NC, NJ, OH, SC, VA, and WV. (Hearing site: Charlotte, NC, or Atlanta, GA.)

MC 103937 (Sub-7F), filed June 11, 1980. Applicant: ANTHRA-TRANS, INC., R.D. No. 3, Moscow, PA 18444. Representative: Ronald N. Cobert, Esquire, 1730 M Street, NW, Suite 501, Washington, DC 20036. Transporting *coal* from points in Schuylkill, Luzerne, and Lackawanna Counties, PA to points in CT, ME, MA, NH, RI, and VT. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 109397 (Sub-511F), filed June 9, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., A CORPORTATION, P.O. Box 113, Joplin, MO 64801. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *blasting agents* (nitro-carbo nitrate slurry) when moving in collapsible "sealdtank" from Atlas, MO to points in VT, and (2) *empty containers* used in the transportation of blasting agents slurry, from points in VT to Reynolds PA and Atlas, MO. (Hearing site: Dallas, TX.)

Note.—Any certificate issued in this proceeding will be limited in point of time to a period expiring 5 years from the date of issuance.

MC 111856 (Sub-14F), filed June 12, 1980. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Road, Prichard, AL 35210, Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Transporting (a) *paper and paper products, wood pulp, plastic and plastic articles, plastic lined metal containers, metal containers and metal container ends*, and (b) *equipment, material and supplies* used in the manufacture and distribution of the commodities in (a) above (except commodities in bulk), between points in FL, GA, AL, and MS. (Hearing site: Mobile or Birmingham, AL.)

MC 114197 (Sub-3F), filed June 2, 1980. Applicant: KEYBOARD CARRIAGE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Transporting *Such commodities as are dealt in or used by retail, department, catalogue sales, hardware, appliance, home improvement, drug and variety stores* between points in the U.S. (except AK and HI). (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 116077 (Sub-435F), filed June 3, 1980. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West 16th Street, P.O. Box 1945, Austin, TX 78767. Transporting *chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Company at Chocolate Bayou, Texas City and Houston, TX to those points in the U.S. in and east of LA, AR, MO, IA and MN. (Hearing site: Houston or Dallas, TX.)

MC 116077 (Sub-436F), filed June 3, 1980. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 77001. Representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Transporting *commodities*, in bulk, in tank vehicles, from points in Baldwin, Mobile and Washington Counties, AL and Excambia County, FL to points in the U.S. (except AK and HI). (Hearing site: Houston, TX, or Atlanta, GA.)

MC 119656 (Sub-78F), filed June 2, 1980. Applicant: NORTH EXPRESS, INC., 219 Main St., P.O. Box 247, Winamac, IN 46996. Representative: John Deremigio (same address as applicant). Transporting *glass containers, and closures for glass containers, materials, equipment and supplies* used in the manufacture and sale of glass containers, and closures for glass containers, between the facilities used by the Ball Corporation and its subsidiaries in IN and IL on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, and WI, restricted to traffic originating at or destined to the facilities used by the Ball Corporation and its subsidiaries. (Hearing site: Indianapolis, IN.)

MC 123407 (Sub-643F), filed June 3, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Furniture, wood and metal, knocked down and assembled, and material, equipment, and supplies* used in the manufacturing of furniture (except

commodities in bulk) between Cassopolis, MI, 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 Congoleum Corporation, Kinder Division.(Hearing site: Chicago, IL or South Bend, IN.)

MC 125037 (Sub-12F), filed June 2, 1980. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greenboro, AL 36744. Representative: John R. Frawley, 5506 Crestwood Blvd., Birmingham, AL 35212. Transporting (a) *office furniture and office furniture parts,* and (b) *materials and supplies* used in the manufacture, and distribution of the commodities in (a) (except commodities in bulk), between the facilities of United Chair Co., a Division of U.S.I., Inc., at or near Leeds, AL on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Birmingham, AL.)

MC 126276 (Sub-218F), filed June 2, 1980. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Contract carrier, transporting (a) *plastic containers and lids* and (b) *materials and supplies* used in the distribution of the named commodities, in (a) between West Chicago, IL and Metuchen, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO and NM, under a continuing contract(s) with hand: Kup Company, of West Chicago, IL. (Hearing site: Chicago, IL.)

MC 128917 (Sub-6F), filed June 3, 1980. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Heyburn, ID 83336. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *fly ash and potash,* between points in UT, WY, CO, NM, AZ, NV, and ID. (Hearing site: Seattle, WA, or Boise, ID.)

MC 134286 (Sub-168F), filed June 2, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting *soaps, oil compounds, paint compounds, rust and paint removing compounds, disinfectant compounds, and water treating compounds* (except in bulk, in tank vehicles), between points in CA, MI, NJ, and TX, 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 Oakite Products, Inc. (Hearing site: Newark, NJ, or Sioux City, IA.)

MC 136786 (Sub-230F), filed June 3, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *such commodities as are dealt in by printers and distributors of printed matter,* (except commodities in bulk), from the facilities of Rand McNally & Company, at Lexington and Versailles, KY, to Indianapolis, IN and Chicago, IL. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 139906 (Sub-118F), filed June 9, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Norris Industries, Inc., its divisions and subsidiaries. (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 139906 (Sub-119F), filed June 9, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities as are dealt in by or used by grocery, hardware, and drug stores* (except in bulk), between Dallas, TX, and Canton, OH, restricted to traffic originating at or destined to the facilities used by Boyle-Midway Division of American Home Products. (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 141197 (Sub-46F), filed June 2, 1980. Applicant: FLEMING–BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *animal feed,* in bulk, in dump vehicles from North Kansas City, MO to points in IL and KS. (Hearing site: Kansas City, MO.)

MC 143226 (Sub-2F), filed June 2, 1980. Applicant: LOON AIR CARGO LIMITED, 731 Meloche Avenue, Dorval, Que. H9P 2S4. Representative: Dieter Wende, 1712—420 Mill Road, Toronto, Ont. H9C 1Z1. In foreign commerce only, transporting *general commodities,* (except commodities in bulk, those of unusual value, classes A & B explosives, household goods as defined by the commission, and those requiring special equipment), from the port of entry on the international boundary line between the U.S. and Canada at or near Lewiston, NY, to the Buffalo International Airport, Buffalo, NY, restricted to traffic having an immediate prior or subsequent movement by air. (Hearing site: Buffalo, NY.)

Note.—Dual operations may be involved. If a hearing is deemed necessary, applicant request it be held in Buffalo, NY. Applicant holds motor carrier authority in No.: MC 143226 (Sub-1).

MC 144547 (Sub-11F), filed June 3, 1980. Applicant: DURA-VENT TRANSPORT CORPORATION, P.O. Box 2249, 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. Contract carrier, transporting: (a) *confectionary products* and (b) *equipment and supplies* used in the manufacture and distribution of, (a) (except commodities in bulk) between points in U.S. (except AK and HI) under continuing contract(s) with Charms Company of Freehold, NJ. (Hearing site: Washington, D.C.)

MC 145067 (Sub-5F), filed June 12, 1980. Applicant: LAWRENCE E. SPAIDE, INC., P.O. Box 11, Avoca, PA 18640. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Transporting *Vinyl Coated Metal Sheets,* from Scranton, PA to Auburn, WA. (Hearing site: Wilkes Barre, PA.)

MC 146336 (Sub-12F), filed June 9, 1980. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th Street, Grand Prairie, TX 75050. Representative: D. Paul Stafford, Winkle, Wells & Stafford, P.O. Box 45538, Dallas, TX 75245. *Contract carrier* transporting: *automobile air conditioners, air conditioner parts, radios, cruise controls, and accessories,* from the facilities of ARA Manufacturing Company at Grand Prairie, TX, to points in AZ, GA, CA, NV, OR, WA, NM, and UT, under continuing contract(s) with ARA Manufacturing Co., of Grand Prairie, TX. (Hearing site: Dallas, TX.)

MC 146646 (Sub-106F), filed June 9, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting (a)(1) *office and household fixtures and furnishings, and* (b) parts for (a), from Nappanee, IN to those points in the U.S. in and east of MT, WY, CO and NM, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction, restricted to traffic originating at or destined to the facilities of Triangle

Pacific Corp. (Hearing site: Dallas, TX, or Birmingham, AL.)

MC 147517 (Sub-4F), filed June 9, 1980. Applicant: TEXAS HIGHWAY TRANSPORT, INC., 2311 Butler Street, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *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) moving on freight forwarder bills of lading,* from the facilities of Texas Shippers Association, Inc., at Chicago, IL, to the facilities of Texas Shippers Association, Inc., at Dallas, Laredo, San Antonio, Houston, Austin, Lubbock, Amarillo, and El Paso, TX. (Hearing site: Dallas, TX.)

MC 147627 (Sub-4F), filed June 4, 1980. Applicant: ROADRUNNER DELIVERY SERVICE, INC., BWI Airport, P.O. Box 8765, Baltimore, MD 21240. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities* (except Classes A and B explosives, commodities in bulk, household goods and commodities requiring special equipment) moving on freight forwarder on bills of lading, (1) between Philadelphia, PA on the one hand, and, on the other, Baltimore, MD and Washington, DC, (2) between Baltimore, MD on the one hand, and, on the other Washington, DC, and (3) between Washington, DC, Baltimore, MD and Philadelphia, PA on the one hand, and, on the other, New York, NY. (Hearing site: Philadelphia, PA.)

MC 148087 (Sub-1F), filed June 2, 1980. Applicant: BIG K CORPORATION, d.b.a. DIAMOND TRANSPORT, P.O. Box 35, Kanosh, UT 84637. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *drilling fluids* used in the development and production of petroleum products, geo-thermal energy and minerals, between points in UT and AZ, restricted against the transportation of petroleum and petroleum products. (Hearing site: Salt Lake City, UT.)

MC 148357 (Sub-3F), filed June 9, 1980. Applicant: KENNETH DUCKER, d.b.a. K & L TRUCK SERVICE, P.O. Box 507, Walnut, CA 91789, 461 S. Harbor Blvd., La Habra, CA 90631. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *adhesives, boiler cleansing compounds, crude petroleum treating compounds, cleaning compounds, organic compounds, inedible fattty alcohols, textile softening compound, paint additives, synthetic plastic erosol resins, leather finishing materials, and fireproofing flame retardant compounds* (except commodities in bulk), from the facilities of Henkel Coporation (a) at Hoboken, NJ and (b) Hawthorne, CA, to points in the U.S. (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment) in the reverse direction. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 148627 (Sub-1F), filed June 3, 1980. Carrier Concrete Carriers Corporation, P.O. Box 68, 415 Lilac St., Lino Lakes, MN 55014. Representative Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contract* carrier, transporting (1) *precast concrete products,* from Lino Lakes, MN to points in WI; and (2) *equipment, materials and supplies* used in the manufacture of precast concrete products, in the reverse direction, under continuing contract(s) with Molin Concrete Products Co. of Lino Lakes, MN. (Hearing site: St. Paul, MN.)

MC 148706 (Sub-2F), filed June 2, 1980. Applicant AKIN BARNES TRUCKING, Route 2, Halls, TN 38040. Representative: Edward G. Grogan, Suite 2020, First Tennessee Bank Bldg., Memphis, TN 38103. *Contract carrier,* transporting *pallets, and lumber,* from Halls, TN to Blytheville, AR, Louisville and Murray, KY, Kansas City, MO, and Portageville, MO, under a continuing contract(s) with Tennessee Farmers Co-op and H & H Pallet Co., both of Halls, TN. (Hearing site: Memphis, TN.)

MC 149026 (Sub-9F), filed June 2, 1980. Applicant: TRANS-STATES LINES, INC., 633 Main Street, Van Buren, AR 72956. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting: *Insulation materials and supplies used* in the manufacture of appliances (except in bulk), from Kansas City, MO and Newark, OH, to the facilities of Whirlpool Corporation at Forth Smith, AR. (Hearing site: Fort Smith, AR, or Washington, DC.)

MC 150036 (Sub-1F), filed June 4, 1980. Applicant: C & R CONTRACT CARRIERS, INC., 109 Oak Street, P.O. Box 329, Covington, VA 24426. Representative: William T. Wilson, 228 N. Maple Avenue, P.O. Drawer 590, Covington, VA 24426. *Contract carrier,* transporting *machinery, machinery parts, chemicals, and materials and supplies used in the production and manufacture of paper products,* (except commodities in bulk), between the facilities of Westvaco Corporation, at or near Covington, VA, and points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV, under continuing contract(s) with Westvaco Corporation, of New York, NY. (Hearing site: Richmond, VA.)

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Decided: June 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 3114 (Sub-36F), filed June 2, 1980. Applicant: T. H. COMPTON, INC., R.F.D. No. 1, Berkeley Springs, WV 25411. Representative: Herbert Alan Dubin, 818 Connecticut Ave., Washington, DC 20006. Transporting *lime,* in bulk, from points in Berkeley County, WV, to points in PA. (Hearing site: Washington, DC.)

MC 15975 (Sub-26F), filed May 22, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same as applicant). Transporting *automobile parts* and *materials, equipment* and *supplies* used in the manufacture and assembly of motor vehicles (except commodities in bulk), between the facilities of the Chrysler Corp., at or near Detroit, MI, and St. Louis, MO. (Hearing site: St. Louis, MO, or Detroit, MI.)

MC 15975 (Sub-27F), filed May 23, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same as applicant). Transporting *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 St. Louis, MO, 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 All Type Container Corp. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 15975 (Sub-28F), filed May 30, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same as applicant). Transporting *malt beverages,* in containers, from Detroit, MI, Eden, NC, Ft. Worth, TX, Peoria, IL, Perry, GA, and Milwaukee, WI, to Bonne Terre, Cape Girardeau, Kennett, Poplar Bluff and West Plains, MO. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 56244 (Sub-109F), filed May 29, 1980. Applicant: KUHN

TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in or used by foodstuff producers and distributors, between Humbolt and Memphis, TN, on the one hand, and, on the other, points in DE, IL, IN, MD, MI, NJ, NY, OH, PA, VA, and DC, restricted to the transportation of shipments originating at or destined to the facilities of Hunt Wesson Foods, Inc. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-110F), filed June 2, 1980. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *foodstuffs* (except commodities in bulk and frozen foods), and (2) *pet food* from the facilities of Castle & Cooke Foods, at Baltimore, MD, and points in its commercial zone to points in IA, IL, IN, KY, MI, MO, OH, TN, and those points in PA on, north, and west of a line beginning at Lake Erie and extending along Interstate Hwy 79 to junction Interstate Hwy 76, then along Interstate Hwy 76 to the PA–OH State line, restricted to the transportion of shipments originating at the indicated origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 61955 (Sub-30F), filed May 27, 1980. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterling, Sugar Creek, MO 64054. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *fly ash*, from the facilities of Kansas City Power & Light Company, at or near Iatan, MO, on the one hand, and, on the other, points in IA and NE. (Hearing site: Kansas City, MO.)

MC 83835 (Sub-170F), filed May 22, 1980. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting (1) *aluminum, copper, and steel wire* (2) *aluminum, copper, and steel cable* (3) *aluminum, copper, and steel strands* (4) aluminum, copper, and steel rods (5) *reels* used in the distribution of the commodities in (1) through (4) above and (6) *equipment, material,* and *supplies* used in the manufacture of the commodities in (1) through (5) above, between Orange, Buena Park, Long Beach, Commerce, and San Jose, CA, Portland, OR, Arlington, TX, Harrisonville, MO, Sycamore, IL, Marion, IN, La Grange, KY, Forest Park, Watkinsville, GA, and Edenton and Tarboro, NC, 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 facilities of the Anaconda Company. (Hearing site: Los Angeles, CA.)

MC 107515 (Sub-1356F), filed April 24, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. Transporting *animal feed ingredients*, in bags, from Chattanooga, TN to Rosemont, IL, Dallas, TX, St. Paul, MN, Kansas City, MO, St. Louis, MO, Des Moines, IA, Fort Washington, PA, and Atlanta, GA. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1357F), filed May 15, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. Transporting *foodstuffs* (except in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Sar-A-Lee Corporation. (Hearing site: Cleveland, OH.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1361F), filed May 27, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. Transporting (1) *bananas* and (2) *agricultural commodities exempt from economic regulation under 49 USC § 10526(a)(6) when moving in mixed loads with bananas*, (1) from Albany, NY, New York, NY, Newark, NJ, and Philadelphia, PA, to points in OH, MI, IN, IL, MO, MN, IA, WI, and Louisville, KY, and (2) from Baltimore, MD, to points in WI. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1362F), filed May 27, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies used in the manufacture, sale and distribution of the commodities named in (1) above*, between points in the U.S. (except AK and HI) restricted to transportation of traffic originating at or destined to the facilities of The J. M. Smucker Co. (Hearing site: Cleveland, OH.)

Note.—Dual operations may be involved.

MC 109124 (Sub-107F), filed May 23, 1980. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting: *scrap metals*, from the facilities of Material Processing, at or near Rural Ridge, PA, to Taylor, MI. (Hearing site: Columbus, OH.)

MC 109124 (Sub-108F), filed May 28, 1980. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting: *aluminum and aluminum products* between points in the U.S. and east of WI, IA, MO, AR and TX, restricted to traffic originating at or destined to facilities used by Monarch Metals Corporation. (Hearing site: Columbus, OH.)

MC 109124 (Sub-109F), filed May 30, 1980. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting: (1) *refractory products and materials* (a) from Negley, OH, to Alloy, Graham and New Haven, WV, Bridgeport, AL, Memphis, TN, and Calvert City, KY, and (b) from Pittsburgh, PA, to Huron, OH, and (2) *clay* from Negley, OH, to Woodstock, TN. (Hearing site: Columbus, OH.)

MC 109124 (Sub-110F), filed May 30, 1980. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Transporting: (1) (1) *aluminum and zinc alloy ingots*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Maple Heights, OH, on the one hand, and, on the other, points in IL, IN, KY, NJ, NY, and PA. (Hearing site: Columbus, OH.)

MC 111594 (Sub-98F), filed May 23, 1980. Applicant: CW TRANSPORT, INC., 610 High Street, P.O. Box 200, Wisconsin Rapids, WI 54494. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Regular routes*, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and

those requiring special equipment). (1) Between Cincinnati, OH, and Terre Haute, IN, from Cincinnati, OH, over Interstate Hwy 74 to Greensburg, IN, then over IN Hwy 46 to Terre Haute, IN and return over the same routes. (2) Between Cincinnati, OH, and Gary, IN, from Cincinnati, OH over Interstate Hwy 74 to Indianapolis, IN, then over Interstate Hwy 65 to Gary, IN and return over the same routes. (3) Between Cincinnati, OH, and Angola, IN, from Cincinnati, OH over U.S. Hwy 27 to Angola, IN and return over the same routes. (4) Between Cincinnati, OH and South Bend, IN, from Cincinnati, OH over Interstate Hwy 74 to Indianapolis, IN, then over U.S. Hwy 31 to South Bend, IN and return over the same routes. (5) Between Cincinnati, OH, and Vincennes, IN, over U.S. Hwy 50. (6) Between Columbus, OH, and Terre Haute, IN, over Interstate Hwy 70. (7) Between Columbus, OH, and Gary, IN, from Columbus, OH over U.S. Hwy 33 to Ft. Wayne, IN, then over U.S. Hwy 30 to junction Interstate Hwy 65, then over Interstate 65 to Gary, IN and return over the same routes. (8) Between Columbus, OH, and Evansville, IN, from Columbus, OH over Interstate Hwy 71 to Cincinnati, OH, then over U.S. Hwy 50 to junction IN Hwy 57, then over IN Hwy 57 to Evansville, IN and return over the same routes. (9) Between Lawrenceville, IL, and Gary, IN, from Lawrenceville, IL over U.S. Hwy 50 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Gary, IN and return over the same routes. (10) Between Lawrenceville, IL, and Angola, IN, from Lawrenceville, IL over U.S. Hwy 50 to junction IN Hwy 67, the over IN Hwy 67 to Indianapolis, IN, then over U.S. Hwy 69 to Angola, IN and return over the same routes. (11) Between Lawrenceville, IL, and Lawrenceburg, IN, over U.S. Hwy 50 "Serving, in connection with the above routes (1) through (11), all points in IN as intermediate or off-route points." (12) Between Marion, IN, and Kansas City, MO, from Marion, IN over IN Hwy 186 to junction IN Hwy 9, then over IN Hwy 9 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Indianapolis, IN, then over Interstate Hwy 70 to Kansas City, MO and return over the same routes serving the off route points of Gas City and Jonesboro, IN. (13) Between Marion, IN, and Louisville, KY, from Marion, IN over IN Hwy 18 to junction IN Hwy 9, then over IN Hwy 9 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Indianapolis, IN, then over Interstate Hwy 65 to Louisville, KY and return over the same routes serving the off route points of Gas City and Jonesboro, IN. (14) Between Muncie, IN, and Kansas City, MO, from Muncie, IN over IN Hwy 3 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Kansas City, MO and return over the same routes serving the off route point of Winchester, IN. (15) Between Muncie, IN, and Louisville, KY, from Muncie, IN over IN Hwy 32 to junction Interstate Hwy 69, then over Interstate Hwy 69 to Indianapolis, IN, then over Interstate Hwy 65 to Louisville, KY and return over the same routes serving the off route point of Winchester, IN. (16) Between Marion, IN, and Youngstown, OH, from Marion, IN over IN Hwy 18 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction U.S. Hwy 224, then over U.S. Hwy 224 to Youngstown, OH and return over the same routes serving the off route points of Gas City and Jonesboro, IN. (17) Between Marion, IN, and Marietta, OH, from Marion, IN over IN Hwy 18 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction IN Hwy 28, then over IN Hwy 28 to junction OH Hwy 47, then over OH Hwy 47 to junction U.S. Hwy 33, then over U.S. Hwy 33 to junction OH Hwy 550, then over OH Hwy 550 to Marietta, OH and return over the same routes serving the off route points of Gas City and Jonesboro, IN. (18) Between Muncie, IN, and Steubenville, OH, from Muncie, IN over IN Hwy 32 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction U.S. Hwy 250, then over U.S. Hwy 250 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Steubenville, OH and return over the same routes serving the off point route of Winchester, IN. (19) Between Muncie, IN, and Portsmouth, OH, from Muncie, IN over U.S. Hwy 35 to Xenia, OH, then over U.S. Hwy 60 to junction OH Hwy 73, then over OH Hwy 73 to Portsmouth, OH and return over the same routes serving the off route points of Winchester, IN. (20) Between Muncie, IN, and Cleveland, OH, from Muncie, IN over IN Hwy 32 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction Interstate Hwy 71, then over Interstate Hwy 71 to Cleveland, OH and return over the same route serving the off route point of Winchester, IN "Serving, in connection with the above routes (16) through (20), all points in OH as intermediate or off-route points. *Restriction:* Restricted to the transportation of traffic moving between Gas City, Jonesboro, Marion, Muncie, or Winchester, IN on the one hand, and, on the other, points in OH." (21) Between St. Louis, Mo, and Superior, WI, from St. Louis, MO, over U.S. Hwy 67 to junction IL Hwy 78, then over IL Hwy 78 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 53, then over U.S. Hwy 53 to Superior, WI, and return over the same routes. (22) Between St. Louis, MO, and Hurley, WI, from St. Louis, MO, over U.S. Hwy 66 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Hurley, WI and return over the same routes. (23) Between St. Louis, MO, and Grand Portage, MN, from St. Louis, MO over U.S. Hwy 40 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 218, then over U.S. Hwy 218 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Rochester, MN, then over U.S. Hwy 52 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Duluth, MN, then over U.S. Hwy 61 to Grand Portage, MN and return over the same routes. (24) Between St. Louis, MO, and Noyes, MN, from St. Louis, MO over U.S. Hwy 40 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 218, then over U.S. Hwy 218 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Rochester, MN, then over U.S. Hwy 52 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Noyes, MN and return over the same routes. (25) Between St. Louis, MO, and International Falls, MN, from St. Louis, MO over U.S. Hwy 40 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 218, then over U.S. Hwy 218 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Rochester, MN, then over U.S. Hwy 52 to junction MN Hwy 371, then over MN Hwy 371 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction U.S. Hwy 71, then over U.S. Hwy 71 to International Falls, MN and return over the same routes. "Serving, in connection with the above routes (21) through (25), all points in IL, MN, and WI as intermediate or off-route points. *Restriction:* Restricted to the transportation of traffic moving to, from, or through St. Louis, MO and points within its commercial zone." (26) Between Marietta, OH, and Cincinnati, OH, from Marietta, OH, over OH Hwy 550 to junction U.S. Hwy 33, then over U.S. Hwy 33 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Cincinnati, OH and return over the same routes. (27) Between Marietta, OH and Willshire, OH, from Marietta, OH, over OH Hwy 550 to junction U.S. Hwy 33, then over U.S. Hwy 33 to Willshire, OH and return over the same routes. (28) Between Marietta, OH, and Toledo, OH, from

Marietta, OH over OH Hwy 60 to junction U.S. Hwy 40, then over U.S. Hwy 40 to junction OH Hwy 37, then over OH Hwy 37 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction Interestate Hwy 75, then over Interstate Hwy 75 to Toledo, OH and return over the same routes. (29) Between Marietta, OH and Cleveland, OH, from Marietta, OH over OH Hwy 7 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Cleveland, OH and return over the same routes. "Serving, in connection with the above Routes (26) through (29), all points in OH as intermediate or off-route points. *Restriction:* Restricted to the transportation of traffic moving to, from, or through Marietta, OH." (30) Between Marietta, OH, and Asheville, NC, from Marietta, OH over OH Hwy 7 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Asheville, NC and return over the same routes. (31) Between Marietta, OH, and Anderson, SC, from Marietta, OH over OH Hwy 7 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Charlotte, NC, then over U.S. Hwy 29 to Anderson, SC and return over the same routes. (32) Between Marietta, OH, and Charleston, SC, from Marietta, OH over OH Hwy 7 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction U.S. Hwy 52 at or near Bluefield, VA, then over U.S. Hwy 52 to Charleston, SC and return over the same routes. (33) Between Marietta, OH, and Wilminton, NC, from Marietta, OH over OH Hwy 7 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction U.S. Hwy 52 at or near Bluefield, VA, then over U.S. Hwy 52 to Winston-Salem, NC, then over U.S. Hwy 421 to Wilmington, NC and return over the same routes. "Serving, in connection with the above Routes (30) through (33), all points in NC and SC as intermediate of off-route points. *Restriction:* Restricted to the transportation of traffic moving to, from, or through Marietta, OH." (Hearing site: Chicago, IL.)

Note.—The purpose of this application is to convert applicant's existing irregular route authority to regular route authority.

MC 114334 (Sub-86F), filed May 19, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, a Corporation, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Transporting *iron and steel articles,* from Knoxville, TN, to points in AL and MS. (Hearing site: Memphis, TN.)

MC 114334 (Sub-87F), filed May 19, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY a Corporation, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Transporting *Metal products,* and *parts* and *accessories* therefor from the facilities of Gallaway Aluminum Products, Inc., at Gallaway, TN, to points in AR, TN, MS, TX, OK, IL, IN, MO, KY, LA, AL, GA, NC, and SC. (Hearing site: Memphis, TX.)

MC 114045 (Sub-568F), filed May 19, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: Daniel McNeff (same address as applicant). Transporting *active bakers yeast,* from the facilities of Anheuser-Busch, Inc., at Bakersfield, CA, to Corpus Christi, El Paso, Houston, and San Antonio, TX. (Hearing site: Dallas, TX.)

MC 117765 (Sub-293F), filed May 19, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R.E. Hagan (same address as applicant). Transporting *non-frozen foodstuffs,* in containers, (1) from Cokato and Fairbault, MN, to points in AR, KS, LA, MO, OK, and TX, and (2) from Durand and Mondovi, WI, to points in AR, KS, LA, MO, OK, and TX. (Hearing site: Oklahoma City, OK.)

MC 117765 (Sub-294F), filed May 28, 1980. Applicant: HAHN TRUCK LINE INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *pitch, lignin, dry,* in containers, from Appleton, WI, to points in AL and MS. (Hearing site: Oklahoma City, OK.)

MC 124004 (Sub-60F), filed June 2, 1980. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *paper, plastic, paper and plastic products,* and *materials, equipment,* and *supplies* used in the manufacture and distribution of paper, plastic, and paper and plastic products between points in the US (except AK and HI), restricted to shipments originating at or destined to the facilities used by Simkins Industries, Inc. (Hearing site: New York, NY, or Washington, DC.)

MC 135524 (Sub-130F), filed May 27, 1980. Applicant: G.F. TRUCKING COMPANY, a Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, 44501. Representative: George Fedorisin 914 Salt Springs Road Youngstown, OH 44509. Transporting *pipe, fittings, valves, hydrants, and accessories used in the installation thereof* from the facilities of Clow Corporation at or near Buckhannon, WV, to those points in the U.S. in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Wheeling, WV, or Columbus, OH.)

MC 136315 (Sub-130F), filed May 22, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting *sand (except in bulk)* between points in Cooke County, TX, on the one hand, and on the other, points in the U.S. in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Dallas, TX, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136315 (Sub-131F), filed May 23, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting (1) *roofing materials, composition shingles, rolled roofing, roofing compounds and accessories thereto,* from the plant site and storage facilities of Elk Corporation at or near Stephens and Camden, AR to points in IL, IN, KS, MO and NE, and (2) *materials, supplies and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in AL, IL, IN, KS, KY, LA, MS, MO, NE, OK, TN and TX, to the plant site and storage facilities of Elk Corporation, at or near Stephens and Camden, AR. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 136384 (Sub-23F), filed May 19, 1980. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *household or commercial appliances, parts thereof,* between the facilities of General Electric Company at Atlanta and Norcross, GA, on the one hand, and, on the other, points in FL. (Hearing site: Atlanta, GA.)

MC 140024 (Sub-192F), filed May 19, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *liquid soap* (except in bulk), from the facilities of Sherwood Pharmaceutical Company, at or near Mahwah, NJ, to points in CA, PA, IL, GA, TX, CO, OH, and TN. (Hearing site: Denver, CO, or Newark, NJ.)

MC 140024 (Sub-193F), filed May 19, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Don L.

Bryce (same address as applicant). Transporting *cleaning compounds, ice melting compounds, polishing compounds, deodorants and disinfectants, materials and supplies* used in the manufacturing or marketing of the above commodities (except in bulk), between points in Summit County, OH, on the one hand, and, on the other, points in the U.S. in and west of MS, TN, MO, IA, and MN. (Hearing site: Denver, CO, or Akron, OH.)

MC 140024 (Sub-194F), filed June 2, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Denver, CO, to points in OK, SD, and ND, restricted to traffic originating at the facilities of Pay-N-Pak. (Hearing site: Denver, CO.)

MC 140024 (Sub-195F), filed June 5, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting: *foodstuffs* (except in bulk), from Los Angeles, CA, to points in CT, FL, IL, MA, MD, MI, MS, NJ, NY, OH, PA, RI, TN, and VA. (Hearing site: Los Angeles, CA, or Denver, CO.)

MC 140665 (Sub-107F), filed May 21, 1980. Applicant: PRIME, INC., Route 1, P.O. Box 115–B, Urbana, MO 64767. Representative: Richard A. Kerwin, 180 North LaSalle St., Chicago, IL 60601. Transporting: *general commodities* (except classes A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission), between points in the U.S. (except AK and HI), restricted to the movement of traffic originating at and destined to the facilities used by W. W. Grainger, Inc. (Hearing site: Chicago, IL.)

MC 140665 (Sub-108F), filed May 27, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting: (1) *cleaning compounds, rust preventing compounds, proprietary electroplating additives, paint, paint products, metal and metal products, petroleum products, nickel, chemicals,* and (2) *materials and supplies used in the manufacturing and distribution of the commodities in (1) above,* (except commodities in bulk), between Cleveland, OH, and points in CT, SC, FL, MI, MN, IL, MO, TX, LA, CO, AZ, CA, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Washington, DC, or Cleveland, OH.)

MC 142715 (Sub-94F), filed May 28, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same as applicant). Transporting *building materials and supplies* (except commodities in bulk, in tank or hopper vehicles), from those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, to Fergus Falls and Eagan, MN. (Hearing site: St. Paul, MN.)

MC 142715 (Sub-96F), filed May 28, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *meats, meat products, meat byproducts,* and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from Huron, SD, Britt and Mason City, IA, St. Paul and Worthington, MN, to Ironwood, MI, (2) from Huron, SD, to St. Paul, MN, and (3) from Ironwood, MI, to Duluth, MN, and Superior, WI. (Hearing site: St. Paul, MN.)

MC 142715 (Sub-97F), filed May 28, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *such merchandise* as is dealt in by wholesale and retail grocery and food business houses and *equipment, materials and supplies* used in the manufacture and distribution thereof (except commodities in bulk, in tank or hopper vehicles) between those points in the U.S. in and east of MT, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Super Valu Stores, Inc., its divisions and subsidiaries. (Hearing site: St. Paul, MN.)

MC 142715 (Sub-98F), filed May 28, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *meats, meat products, meat byproducts,* and articles distributed by meat-packing houses, 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), from St. Cloud, MN, to those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, restricted to traffic originating at St. Cloud, MN, and destined to points in the named States. (Hearing site: St. Paul, MN.)

MC 142715 (Sub-99F), filed May 30, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *hydraulic valves, pumps, filters* and *parts and materials, equipment and supplies* used in the manufacturing and distribution of hydraulic valves, pumps, filters and parts (except commodities in bulk, in tank or hopper vehicles and commodities requiring specialized equipment) between Minneapolis, MN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, OK and TX. (Hearing site: St. Paul, MN.)

MC 142715 (Sub-100F), filed May 30, 1980. Applicant: LENERTZ, INC., P.O. Box 479 South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting (1) *meats, meat products, and meat by-products, and articles distributed by meat-packing houses,* 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 and (2) *foodstuffs* (except those in (1) above and commodities in bulk, in tank or hopper vehicles), between St. Paul, MN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, retricted to traffic originating at St. Paul, MN, and destined to points in the named States. (Hearing site: St. Paul, MN.)

MC 142715 (Sub-101F), filed May 30, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *liquid soap, toilet preparations, health and beauty aids* and *equipment, materials* and *supplies* used in the manufacture and distribution of liquid soap, toilet preparations, health and beauty aids (except commodities in bulk, in tank or hopper vehicles) between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, restricted to traffic originating at or destined to the facilities used by Minnetonka, Inc. (Hearing site: St. Paul, MN.)

MC 142935 (Sub-15F), filed May 19, 1980. Applicant: PLASTIC EXPRESS, 2999 La Jolla Street, Anaheim, CA 92806. Representative: Richard C. Celio, 2300 Camino del Sol, Fullerton, CA 92633. Transporting *foodstuffs* from points in Los Angeles County, CA, to points in OR, WA, ID, UT, CO, NM, AZ, TX, OK, MT, NV, WY. (Hearing site: Los Angeles, CA.)

MC 143445 (Sub-5F), filed May 23, 1980. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania St, Kearney, NJ 07032. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *medical research instruments, medical supplies and equipment, materials and supplies used in their production,* between points in CA, NJ, NY, TX, MI, GA, IL, and WA, restricted to the transportation of shipments moving to or from the facilities of Beckman Instruments, Inc. (Hearing site: New York, NY, or Washington, DC.)

MC 148175 (Sub-2F), filed May 22, 1980. Applicant: ROBERT W. DENTON, d.b.a. SPIRIT TRUCKING, 870 South Wolf Road, Hinsdale, IL 60521. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosive, commodities in bulk, household goods, and commodities requiring special equipment or handling), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, OH, and WI, restricted to traffic having a prior or subsequent movement by rail, air or water. (Hearing site: Chicago, IL.)

MC 148215 (Sub-2F), filed June 2, 1980. Applicant: MUSICIANS EQUIPMENT TRANSPORT, Route 4, Box 482–B, Portsmouth, OH 45662. Representative: Stephen C. Fitch, 155 East Broad St., Columbus, OH 43215. *Contact carrier,* transporting *equipment* used by musicians for shows and concerts, between points in the U.S. (except AK and HI), under continuing contract(s) with Pure Prairie League L.T.D., of Chillicothe, OH. (Hearing site: Columbus, OH.)

MC 148655 (Sub-5F), filed May 27, 1980. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44114. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *animal feed, animal feed ingredients, animal feed supplements and additives* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) above, (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, and Mattoon, IL, on the one hand, and, on the other, all points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the above named facilities. (Hearing site: San Francisco, CA.)

MC 148685 (Sub-2F), filed June 2, 1980. Applicant: TAD TRUCKING LTD., 923 Reddin Ave., Neenah, WI 54956. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* transporting *precast, stressed concrete members* and *materials, equipment, and components* used in manufacture, sale and distribution thereof, between the facilities of Hufschmidt Engineering, at Sussex, WI, and Midwest Fibre-Concrete, at Whitewater, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Hufschmidt Engineering Co., Inc., of Sussex, WI, and Midwest Fibre-Concrete, Ltd., of Whitewater, WI. (Hearing site: Milwaukee or Appleton, WI.)

MC 148795 (Sub-2F), filed May 22, 1980. Applicant: DAVID REYNOLDS, d.b.a. REYNOLDS FEED & SEED, P.O. Box 38, Runge, TX 78151. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave N.W., Suite 850, Washington, DC 20006. Transporting *sulfur products (except molten sulfur), in bulk, in tank or hopper type vehicles,* from points in Ector County, TX, to points in AL, AR, LA, and MS. (Hearing site: Houston, TX.)

MC 149015 (Sub-2F), filed June 3, 1980. Applicant: UNLIMITED SERVICE, Pick-Up & Delivery, Inc., 500 Richards Blvd., Sacramento, CA 95810. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Regular routes, transporting *general commodities (except commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment because of size and weight),* (1) between Sacramento and Turlock, CA, over CA Hwy 99, (2) between Sacramento and Fairfield, CA, over Interstate Hwy 80, (3) between Sacramento and Chico, CA, over CA Hwy 99, (4) between junction CA Hwys 70 and 99 north of Verona, CA and Chico, CA, from junction CA Hwys 70 and 99 north of Verona over CA Hwy 70 to Oroville, CA then over CA Hwy 149 to junction CA Hwy 99 then over CA Hwy 99 to Chico, and return over the same route; (5) between Sacramento and Woodland, CA, over Interstate Hwy 5, (6) between Roseville and Marysville, CA, from Roseville over CA Hwy 65 to junction CA Hwy 70 then over CA Hwy to Marysville, and return over the same route, (7) between Sacramento and Colfax, CA, over Interstate Hwy 80, (8) between Sacramento and Stateline, CA, over U.S. Hwy 50, (9) between Jackson and Nevada City, CA, over CA Hwy 49, (10) between Woodland and Redding, CA, over Interstate Hwy 5, serving all intermediate points and off-route points within 25 miles of the above named regular routes, restricted in each instance to traffic interchanged with authorized carriers at Sacramento and Stockton, CA. (Hearing site: Sacramento or San Francisco, CA.)

MC 150185 (Sub–2F), filed June 2, 1980. Applicant: STAM–WIN, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract carrier,* transporting *empty drums* and *empty steel containers,* and *equipment, materials and supplies* used in the manufacture of drums and steel containers (except commodities in bulk), between Cleveland, OH, on the one hand, and, on the other, points in IN, KY, MI, NJ, NY, OH, PA, and WV, under continuing contract(s) with Cortland Container Corporation, of Cleveland, OH. (Hearing site: Washington, D.C.)

Note.—Dual operations may be involved.

MC 150565 (Sub–5F), filed May 30, 1980. Applicant: SUNBELT EXPRESS, INC., 909 S. Powell St., Springdale, AR 72764. Representative: John C. Everett, 144 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *television sets, recorders, household appliances,* and *parts and accessories* used in the manufacture and distribution of television sets, recorders, and household appliances, from the facilities of General Electric Co., in Little Rock, AR to points in TX, OK, LA, MS, and NM. (Hearing site: Little Rock or Ft. Smith, AR.)

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Decided: June 27, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 1515 (Sub-293F), filed May 14, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, Representative: L. J. Celmins, (same address as applicant). Transporting: *passengers and their baggage* in the same vehicle with passengers, in one way and round trip special operations, over regular routes serving all intermediate points, (1) between Sacramento, CA, and Rio Linda, CA: From Sacramento over Interstate Hwy 5 to junction Interstate Hwy 880, thence over Interstate Hwy 880 to junction Northgate Blvd., thence over Northgate Blvd., to junction Main Avenue, thence over Main Avenue, to junction Rio Linda Blvd., thence over Rio Linda Blvd. to Rio Linda, and return over the same route, and (2) between the junction of Interstate Hwy 880 and Rio Linda Blvd., and junction of Interstate Hwy 80: From the junction of Main

Avenue and Rio Linda Blvd., over Rio Linda Blvd. to junction Eleanor Avenue, thence over Eleanor Avenue to junction Lexington Street, thence Lexington Street to junction Arden Way, thence over Arden Way to junction Interstate Hwy 80 and return over the same route. (Hearing site: Sacramento, CA.)

Note.—Common Control may be involved.

MC 2934 (Sub-70F), filed May 16, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry, 9998 North Michigan Road, Carmel, IN 46032. Transporting: *New furniture, mattress and box springs, couch and lounge frames,* from Elizabeth, NJ to Janesville, WI. (Hearing site: Indianapolis IN.)

MC 22195 (Sub-185F), filed May 15, 1980. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Ave., Sioux Falls, SC 57117. Representative: F. Fred Fischer, (same address as applicant). Transporting *fly ash,* from points in IA to points in NE, SD, ND, MN and IA. (Hearing site: Sioux Falls, SC or Sioux City, IA.)

MC 22425 (Sub-7F), filed June 9, 1980. Applicant: MALFIN EXPRESS, INC., 155 Lenox Street, Norwood, MA 02062. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting (1) *foundry products,* and (2) *equipment, material and supplies* used in the manufacture and distribution of the commodities named in (1) above, between points in CT, DE, ME, IL, MD, MA, MI, NH, NJ, NY, OH, PA, RI and VT. (Hearing site: Boston, MA.)

MC 39414 (Sub-19F), filed May 13, 1980. Applicant: TYLER TRUCK LINES, INC., 2824 Judge Road, Oakfield, NY 14125. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier,* transporting: Plastic articles and polystyrene products, and materials, equipment and supplies used in manufacture, packaging, installation or distribution of the above-named commodities, between the facilities of U. C. Industries at Tallmadge, OH and Rockford, IL, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MI, NE, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC.Under a continuing contract(s) with United States Gypsum Company. (Hearing site: Chicago, IL or Buffalo, NY.)

MC 29555 (Sub-105F), filed May 15, 1980. Applicant: BRIGGS TRANSPORTATION CO. N–400 Griggs-Midway Building, St. Paul, MN 55104. Representative: Winston W. Hurd, N–400 Griggs-Midway Building, St. Paul, MN 55104. Transporting: *General commodities,* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment) 1. Serving the plantsite of Anaconda Wire and Cable Company, La Grange, KY as an off-route point in connection with applicant's existing regular route operations. These plantsite facilities are located on KY Hwy. 146 approximately 20 miles from Louisville, KY. (Hearing sites: Minneapolis, MN and Louisville, KY.)

MC 61955 (Sub-29F), filed May 15, 1980. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterling, Sugar Creek, MO 64054. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. Transporting: *Soybean meal, feed and feed ingredients,* From the facilities of Ralston-Purina Co. in Kansas City and North Kansas City, MO to points in AR, KS, NE, OK and TX. (Hearing site: Kansas City, MO.)

MC 94265 (Sub-353F), filed May 16, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Route 460 W. Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting: *Materials, equipment and supplies used in the manufacture and distribution of foodstuffs* from points in KS, IL, TX, OH, IN, MI, KY, WI, MN and WV to Atlanta, GA. Restricted to traffic destined to the facilities of J. H. Filbert, Inc. (Hearing site: Atlanta, GA or Washington, DC.)

MC 96925 (Sub-11F), filed May 14, 1980. Applicant: CROWN MOTOR LINES, INC., P.O. Box 41209, Jacksonville, FL 32203. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting: *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and household goods), (1) between Lake City, FL and Pensacola, FL, over U.S. Hwy 90, serving all intermediate points, (2) between junction Interstate Hwys 75 and 10 near Lake City, FL and Pensacola FL over Interstate Hwy 10, serving all intermediate points, (3) between Lake City, FL and junction Interstate Hwys 75 and 10 near Lake City, over Interstate Hwy 75, serving all imtermediate points, (4) between Tampa, FL and Homosassa Springs, FL, over Interstate Hwy 19, serving all intermediate points, (5) between Homosassa Springs, FL and Tallahassee, FL, from Homosassa Springs over U.S. Hwy 19 to Capps, FL, then over U.S. Hwy 27 to Tallahassee and return, serving all intermediate points, (6) between Dunnellon, FL and High Springs, FL, over U.S. Hwy 27, serving all intermediate points, (7) between Perry, FL and Pensacola, FL, over U.S. Hwy 98, serving all intermediate points, (8) between Tallahassee, FL and Panama City, FL, over FL Hwy 20 to junction of U.S. Hwy 231, then over U.S. Hwy 231 to Panama City and return, serving all intermediate points, (9) serving all points in FL not served on a regular route as off-route points, (10) all regular routes presently authorized to be served are to be joined to routes sought to be served to provide through service. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 105045 (Sub-151F), filed May 28, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting: (1) (a) *iron and steel articles, and pipe,* from Bay County, FL, to points in the U.S. (except AK and HI) and (b) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities named in (a) above in the reverse direction; and (2) *iron and steel articles and pipe and* materials used in the manufacture and distribution of such commodities (except commodities in bulk) between points in the U.S. (except AK and HI), restricted in (2) to traffic originating at or destined to the facilities utilized by Berg Steel Pipe Corp. (Hearing site: Tampa, FL.)

MC 105334 (Sub-3F), filed May 13, 1980. Applicant: TENNYSON TRANSFER & STORAGE, INC., 4910 Irving St., Boise, ID 83706. Representative: W. L. Woolley (same address as applicant). Transporting: *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). (Hearing site: Seattle, WA, or Portland, OR.)

MC 107295 (Sub-982F), filed May 12, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting: (1) *Cabinets, parts and accessories,* from Berryville, Winchester and Orange, VA; Moorefield, WV; and New Haven, IN; to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; and (2) *Cabinets and materials, equipment, and supplies* used in the manufacture or distribution of commodities named in (1) above, in the

reverse direction. (Hearing site: Washington, D.C.)

MC 109584 (Sub-213F), filed May 12, 1980. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rich Barker (same address as applicant). Transporting *liquid chemicals,* (in bulk in tank vehicles), from Sterlington, LA to La Habra, CA. (Hearing site: Phoenix, AZ or Los Angeles, CA.)

MC 112595 (Sub-90F), filed May 14, 1980. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: Kevin R. Reichley, 50 W. Broad St., Columbus, OH 43215. Transporting *such commodities as are dealt in or used by manufacturers, processors, and distributors of metal and chemical products, (in bulk)* between the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV, on the one hand, and, on the other, points in IN, OH, and PA. (Hearing site: Columbus, OH or Washington, DC.)

MC 114015 (Sub-30F), filed May 15, 1980. Applicant: HUSS, INCOROPORATED, Highway 47 West, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting: *Shooks, lumber and pallets,* between Chase City and Keysville, VA, on the one hand, and, on the other, points in IL, WI, MI, OH, CT, RI, MA, NH, VT and ME, under a continuing contract(s) with Spaulding Lumber Co., Inc. of Chase City, VA. (Hearing site: Washington, DC.)

MC 114334 (Sub-83F), filed May 12, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Transporting (1) *Iron and steel articles,* (2) *iron and steel fence tubing and* (3) *materials and supplies used in the manufacture of fencing tubing;* from the facilities of Century Tube Corporation in Jefferson County, AR, to points in AL, GA, IL, IN, KY, LA, MO, MS, TN, TX and OK. (Hearing site: Memphis, TN.)

MC 114604 (Sub-115F), filed May 13, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *apple products (except in bulk),* from the facilities of Shenandoah Apple Co-Operative, Inc., at Winchester, VA, to points in AL, GA, MS, FL, TN, NC and SC. (Hearing site: Atlanta, GA.)

MC 117574 (Sub-352F), filed May 16, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting (1) *railway car wheels and locomotive wheels,* and, (2) *materials and supplies* used in connection with the manufacture and distribution of the items, in (1), between the facilities of Abex Corporation, Quemahoning, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 119634 (Sub-51F), filed May 12, 1980. Applicant: DICK IRVIN, INC., Hwy 2 West, P.O. Box F, Shelby, MT 59474. Representative: Joe Gerbase, 100 Transwestern Building, Billings, MT 59101. Transporting *barite,* from points in NV to ports of entry on the international boundary line between the U.S. and Canada. (Hearing site: Billings, MT or Great Falls, MT.)

MC 123675 (Sub-8F), filed May 16, 1980. Applicant: SOLIDER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Arthur R. Cline, 420 Security Building, Toledo, OH 43604. Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment) between points in the U.S. restricted to traffic originating at, or destined to, the facilities of Sheller-Globe Corporation and its wholly owned subsidiaries. (Hearing site: Columbus or Toledo, OH.)

MC 124174 (Sub-172F), filed May 16, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *iron and steel articles,* (1) from Auburn and Buffalo, NY to points in OH, MO, IN, KY, IL, MI, WI, WV, IA, KS, NE, MN, and PA, and (2) from Alton and Granite City, IL and St. Louis, MO to points in IA, KS, NE, MN, ND, and SD. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 124174 (Sub-172F), filed May 16, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as above). Transporting: *iron and steel and iron and steel articles* (1) from Auburn and Buffalo, NY to points in OH, MO, IN, KY, IL, MI, WI, WV, IA, KS, NE, MN, and PA and (2) from Alton and Granite City, IL and St. Louis, MO to points in IA, KS, NE, MN, ND, and SD. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 124835 (Sub-27F), filed May 16, 1980. Applicant: PRODUCERS TRANSPORT CO., a corporation, P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). Transporting *cement,* from Memphis, TN to points in AL, AR, IL, KY, LA, MO, MS, and TN. (Hearing site: Nashville, TN or Washington, DC.)

MC 125254 (Sub-72F), filed May 14, 1980. Applicant: MORGAN TRUCKING CO., a corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting: (1) *Fiberboard containers,* From the facilities of Southwest Forest Industries at or near Kansas City, KS, to points in IA and NE; (2) *Materials and supplies* (except commodities in bulk), used in the manufacture, sale or distribution of the commodities in (1); From points in NE and IA to the facilities of Southwest Forest Industries at or near Kansas City, KS; and (3) *Expanded plastics articles,* From the facilities of Southwest Forest Industries at or near Kansas City, MO to points in IA, KS, and NE. (Hearing site: Kansas City, MO.)

MC 125335 (Sub-104F), filed May 13, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: *Foodstuffs,* from points in Berkeley County, WV, and Adams, Cumberland, Dauphin, Franklin, Northumberland, and York Counties, PA, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Harrisburg, PA, or Lincoln, NE.)

MC 125335 (Sub-105F), filed May 16, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: *Plastic containers,* from Wilmington, NC, to Marcus Hook, PA, Atlanta, GA, and Freehold, NJ. (Hearing site: Wilmington, NC, or Harrisburg, PA.)

MC 126904 (Sub-38F), filed May 14, 1980. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting: *Paper bags,* from the facilities of Westvaco Corporation, Bag Division at New Orleans, LA, to points in AR, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NC, OH, SC, TN and TX. (Hearing site: Philadelphia, PA.)

MC 127204 (Sub-18F), filed May 13, 1980. Applicant: KINDSVATER, INC., P.O. Box 1027, Dodge City, KS 67801.

Representative: Clyde N. Christey, Ks Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting: *Liquid fertilizer solutions,* from the facilities of Chevron Chemical Co. at or near Friend, KS to points in CO, NE, OK, NM and TX. (Hearing site: Kansas City, MO.)

MC 129645 (Sub-82F), filed May 15, 1980. Applicant: SMESSTER BROS., INC., 1330 South Jackson Street, Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles,* from points in AL, IA, IL, IN, MI, OH, PA and TX to Kingsford, MI. Restricted to traffic originating at named origins and destined to Wittock Supply Co., at Kingsford, MI. (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 134755 (Sub-218F), filed May 15, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 05804. Representative: S. Christopher Wilson (same address as applicant). Transporting *foodstuffs,* (except in bulk), from Biglerville and Gardners, PA, and Inwood, WV, to Neosho, MO. (Hearing site: Kansas City, MO.)

MC 136605 (Sub-156F), filed May 15, 1980. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton, P.O. Box 8058, Missoula, MT 59807. Transporting, *Salt Products,* from ND and UT to points in MT, ID, WA, and OR. (Hearing site: Salt Lake City, UT.)

MC 136774 (Sub-14F), filed May 16, 1980. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *Liquid calcium chloride, in bulk, in tank vehicles,* from Lemont, IL, to points in IA, MN and WI. (Hearing site: Chicago., IL.)

MC 138104 (Sub-97F), filed May 12, 1980. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd, Fort Worth, TX 76116. Transporting (1) *drilling rigs, tanks, pumping units,* and *cooling towers,* from the facilities of Crouch Enterprises, at or near Alvarado, Arlington and Mansfield, TX to points in the U.S. (except AK and HI); and (2) *materials, supplies and equipment* used in the manufacture of the commodities described in (1) above, in the reverse direction. (Hearing site: Forth Worth or Dallas, TX.)

MC 138875 (Sub-283F), filed May 12, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Road, Boise, Idaho 83709. Representative: F. L. Sigloh same address as above) Transporting: *Such products as are dealt in by the manufacturers of electronic equipment (except commodities in bulk),* from points in MN to points in ID. (Hearing site: Boise, ID or Washington, DC.)

MC 139284 (Sub-6F), filed May 16, 1980. Applicant: TRUCKER'S INC., P.O. Box 337, 4316 South Main St., Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230 Capital National Bank Bldg., 1300 Main St., Houston, TX 77002. Transporting: (1) *oilfield equipment, pipe, and machinery* between points in OK, LA, NM, AR, AL, MS, MO, CO, TN, MI, VA, OH, PA, WY, GA, FL, KS, KY, IL, IN, and WV: and (2) *oilfield equipment, pipe and machinery* between points in TX on the one hand, and, on the other, points in OK, LA, NM, AR, AL, MS, MO, CO, TN, MI, VA, OH, PA, WY, GA, FL, KS, KY, IL, IN, and WV. (Hearing site: Houston, TX.)

MC 140024 (Sub-191F), filed May 16, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting: *Plastic articles,* (except in bulk) form points in VA to points in CO. (Hearing site: Denver, CO.)

MC 140484 (Sub-78F), filed May 9, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as above). Transporting *Malt Beverages* (except in bulk in tank vehicles) from the facilities of G. Heileman Brewing Company at or near Evensville, IN, to points in FL on and south of FL Hwy 50. (Hearing site: Tampa, FL or Washington, DC.)

MC 140665 (Sub-106F), filed May 15, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *Foodstuffs* (except in bulk) from the facilities of American Home Foods, Division of American Home Products Corporation at or near LaPorte, IN, to points in TN. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 141804 (Sub-425F), filed May 15, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Transporting: *Titanium dioxide, castoriol based products,* from Sayreville and Bayonne, NJ to points in OH, MI, IN, IL, MO, NC, SC, GA, AL, MS and LA. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-428F), filed May 16, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, (same address as applicant). Transporting: *Titanium dioxide,* in packages, from the Du Pont facility at De Lisle, MS to points in AZ, CA, CO, ID, OR and WA. (Hearing site: Los Angeles, CA.)

MC 142364 (Sub-37F), filed May 16, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *barbecue equipment, electrical appliances and recreational equipment,* from the facilities of Neosho Products Company, at or near Neosho, MO, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY. (Hearing site: St. Smith, AR.)

MC 144715 (Sub-11F), filed May 16, 1980. Applicant: ANDERSON & WEBB TRUCKING CO., INC., 542 West Independence Boulevard, Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. Transporting *cotton and synthetic sewing thread,* from Mt. Holly, NC, to Dallas and El Paso, TX, and Los Angeles, CA. (Hearing site: Charlotte, NC.)

MC 145115 (Sub-3F), filed May 15, 1980. Applicant: NY, NJ, CONN. FREIGHT & MESSENGER CORP., 351 West 38th St., New York, NY 10001. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. Transporting *such merchandise* as is dealt in by retail department stores, (1) between Washington, DC, on the one hand, and, on the other, New York, NY and Los Angeles, CA, under continuing contract(s) with The Hecht Company of Washignton, DC, (2) between the New York, NY and Los Angeles, CA, on the one hand, and, on the other, Portland, OR, under a continuing contract(s) with Meier & Frank, Inc., of Portland, OR. (Hearing site: New York, NY.)

MC 146765 (Sub-2F), filed May 14, 1980. Applicant: DAYTON ENTERPRISES, INC., 110 First Ave., Clarence, IA 52216. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. Transporting: *Furnaces,* from St. Paul, MN, to points in the U.S. (except AK, HI) and MN. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 147074 (Sub-17F), filed May 12, 1980. Applicant: EZ FREIGHT LINES, a corporation, 70 Gould St., Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting: *Building and industrial wall silencers,* from North

Brunswick, NJ to points in the U.S. except AK and HI. (Hearing site: Newark, NJ.)

MC 149234 (Sub-1F), filed May 14, 1980. Applicant: RIVER VALLEY OIL CO., INC., Box 526, Spring Green, WI 53588. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting: *Glass and insulated glass units,* and *parts and accessories,* from Spring Green, WI to points in IA, MN, and IL. (Hearing site: Madison, WI, or Milwaukee, WI.)

MC 149365 (Sub-2F), filed May 12, 1980. Applicant: WOOD DALE LEASING & TRUCKING CO., INC., 212 Frederick Place, Wood Dale, IL 60191. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting: *scrap wire, cable, telephone equipment and metals* (except commodities in bulk), and *processed scrap molten aluminum and aluminum ingot,* (1) from points in the U.S. east of MT, WY, CO and NM to the plantsite of Lissner Corporation in Chicago, IL and (2) from Chicago, IL to the origin area described in (1) above. (Hearing site: Chicago, IL.)

MC 150064 (Sub-1F), filed May 14, 1980. Applicant: LYLE F. DRIVER, d.b.a. DRIVER TRANSFER, Underwood, IA 51576. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting: *Manure Spreaders,* from Algoma, WI, to Galva, IL, to the facilities of C and S Silo Equipment at or near Underwood, IA. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 150065 (Sub-1F), filed May 12, 1980. Applicant: PINNER CARPETS, INC., d.b.a. PINNER TRANSPORTATION, 800 East Eighth Street, Odessa, TX 79761. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Transporting *floor covering,* and *materials* and *supplies* used in the installation and maintenance thereof, from points in GA to points in TX on and west of U.S. Hwy 283 and on and north of U.S. Hwy 67. (Hearing site: Fort Worth, TX or Odessa, TX.)

MC 150125 (Sub-1F), filed May 13, 1980. Applicant: WACHUSETT TRANSPORTATION CO., INC., 176 Pearl St., Box 23, Clinton, MA 01510. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting: *Processed cereal grain, ingredients for confections and prepared breakfast foods,* between Clinton, MA, on the one hand, and, on the other, points in IL, MO, NY and PA. Restricted to traffic originating at or destined to the facilities of Van Brode, Inc., Clinton, MA. (Hearing site: Boston, MA or Washington, DC.)

MC 150564 (Sub-1F), filed May 12, 1980. Applicant: SPRING TRANSPORT LTD., 4315 South 79th St., Omaha, NE 68127. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting: *Insulators, roof bolts, arresters, guy wire fittings, brass valves, cable clamps, and couplers,* from Newell, WV and Mansfield and Barberton, OH to points in CA, CO, IA, IL, KS, MN, MT, MO, ND, SD, TX, WI, and WY. (Hearing site: Omaha, NE.)

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Decided: June 13, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman

MC 11207 (Sub-558F), filed May 21, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *stainless steel, pipe, coil,* and (2) *materials and supplies* used in the manufacture of commodities in (1) above, between the facilities of Acme Tube/J. L. Inc., at or near Converse, LA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IA, MO, OK, and TX. (Hearing site: Birmingham, AL or Washington, DC.)

MC 26396 (Sub-361F), filed May 5, 1980. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *drilling mud and drilling mud additives* (except in bulk, in tank vehicles), between points in CA, OK and TX, on the one hand, and, on the other, points in MD, MI, NJ, NY, OH, PA, and VA. (Hearing site: Billings, MT or Lincoln, NE.)

MC 29886 (Sub-373F), filed May 30, 1980. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314—39th Ave., Kenosha, WI 53140. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *motor vehicles,* in secondary movements, in truckaway service, from Toledo, OH, to points in IL, IN, IA, KY, MI, MO, OH, VA, WV, and WI, restricted to traffic originating at the facilities of American Motors, Ltd., and of American Motors Corporation. (Hearing site: Washington, DC.)

MC 42487 (Sub-987F), filed May 14, 1980. Applicant: CONSOLIDATED FREIGHTS, corporation of Delaware, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *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 (1) the facilities of Blyle of America, Kason Hardware, Inc., Humbolt—Wedag, Lorain Telephone, Nylco Corp—Division of Worthen Industries, and Colads of Atlanta, Inc., at or near Shenandoah, GA, and (2) the facilities of Peachtree Aircraft Products Co., Price Exhibits, Franklin Products—Chef Division, National Cash Register and Hibrand Foods, at or near Peachtree City, GA, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA.)

MC 46737 (Sub-56F), filed May 5, 1980. Applicant: GEO. F. ALGER COMPANY, a corporation, 26380 Van Born Rd., Dearborn Heights, MI 48125. Representative: D. A. Broyles, (same address as applicant). Transporting (1) *iron and steel articles,* and (2) *materials, equipment, and supplies* used in the manufacture of distribution of the commodities in (1) above, between Detroit, MI, on the one hand, and, on the other, points in OH, IL, IN, PA, and NY. Condition: The person or persons who appear to be in common control of applicant and G & W Transport, Inc., a regulated motor contract carrier, must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an afidavit indicating why such approval is not necessary. (Hearing site: Lansing, MI, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 51146 (Sub-840F), filed May 5, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such commodities as are dealt in or used by manufacturers and distributors of farm and construction equipment,* from Baltimore, MD, and points in IA, IL, IN, KY, MI, and OH, to Racine, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 51146 (Sub-841F), filed May 6, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of glass and stoneware products, from points in U.S. (except AK and HI), to points in WI. (Hearing site: Milwaukee, WI.)

MC 51146 (Sub-842F), filed May 6, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as

applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of rubber wheels, from points in U.S. (except AK and HI), to the facilities of Wagner Products Division in WI. (Hearing site: Chicago, IL.)

MC 55896 (Sub-136F), filed May 5, 1980. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (address same as applicant). Transporting *composition board, plywood and hardboard,* from Alpena, MI, to those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Detroit, MI.)

MC 55896 (Sub-139F), filed May 27, 1980. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (address same as applicant). Transporting *straw goods,* in boxes, from Toledo, OH to points in OH, MI, IN, IL, PA, KY, VA, GA, SC, MO, WV, FL, NC, and TN. (Hearing site: Toledo, OH.)

MC 61977 (Sub-31F), filed May 12, 1980. Applicant: ZERKLE TRUCKING COMPANY, a corporation, 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *such commodities* as are dealt in by wholesale and retail grocery and food business houses, (except commodities in bulk), between points in OH, on the one hand, and, on the other, points in KY and WV. (Hearing site: Charleston, WV.)

Note.—Dual operations may be involved.

MC 63417 (Sub-283F), filed May 9, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *such commodities* as are dealt in by retail home improvement, home furnishing, and lumber stores (except commodities in bulk) between points in AL, AR, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, WI, and DC, restricted to traffic originating at or destined to the facilities of Evans Products Company, (Moores Division and Evans Paint Division), and Wrenn Lumber Corporation. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 70557 (Sub-30F), filed May 13, 1980. Applicant: NEILSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Transporting *non-alcoholic carbonated beverages,* from Winnsboro, LA, to points in AL, AR, GA, MS, TN, and TX. (Hearing site: Houston, TX.)

Note.— Dual operations may be involved.

MC 78947 (Sub-20F), filed May 23, 1980. Applicant: ELLIOTT BROS. TRUCK LINE, INC., Dysart, IA 52224. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural implements and equipment,* (2) *parts and accessories* for the commodities in (1) above, and (3) *materials, equipment and supplies* used in the manufacture, sale or distribution of the commodities in (1) and (2) above, (except commodities in bulk), between Cedar Falls, IA, Morton, IL, and Binghamton, NY on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 91306 (Sub-27F), filed May 14, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, NE, Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. Transporting *plastic cigar manufacture accessories,* from Gastonia, NC, to Philipsburg, PA. (Hearing site: Charlotte, NC.)

MC 93147 (Sub-19F), filed May 25, 1980. Applicant: DELTA TRANSPORT CORPORATION, 844 Union St., West Springfield, MA 01009. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting (1) *expandable polystyrene,* and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of expandable polystyrene (except commodities in bulk), between points in MA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at and destined to the authorized points. (Hearing site: Springfield, MA.)

MC 100327 (Sub-14F), filed May 19, 1980. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Rd., P.O. Box 473, East Longmeadow, MA 01028. Representative: Eavid M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting *passengers and their baggage,* in the same vehicle with passengers in special operations, (1) beginning and ending at East Longmeadow, MA, and extending to the facilities of Combustion Engineering, Inc., at or near Windsor, CT, (2) beginning and ending at East Longmeadow and Springfield, MA, and extending to the facilities of Connecticut Yankee Greyhound Racing, Inc., at Plainfield, CT, and (3) between Hartford and West Hartford, CT, on the one hand, and, on the other, Kennedy International and LaGuardia Airports, at New York, NY, and Newark Airport, at Newark, NJ. (Hearing site: Hartford, CT.)

MC 108676 (Sub-161F), filed May 29, 1980. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., NE, Knoxville, TN 37917. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Tranporting *aluminum articles,* from the facilities of Alumax, Inc., at or near Goose Creek, SC, to those points in the U.S. in and east of WI, IA, MO, OK, and TX. (Hearing site: Savannah, GA, or Columbia, SC.)

MC 115826 (Sub-587F), filed May 22, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *chemicals, chemical compounds, and home furnishing articles,* and (2) *materials and supplies* used in the production and distribution of the commodities above (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Van Waters and Rogers. (Hearing site: Denver, CO.)

MC 115826 (Sub-588F), filed May 19, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *meats, meat products, and meat byproducts, and articles distributed by meat packing houses,* 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, between points in the U.S. (except AK and HI), restricted to the traffic originating at or destined to the facilities of Monfort of Colorado, Inc., Monfort Food Distributing Company, and Monfair, Inc. (Hearing site: Denver, CO.)

MC 117786 (Sub-107F), filed May 19, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E.Thomas Rd., Phoenix, AZ 85014. Transportating *alcoholic liquors and wines,* from Lawrenceburg, IN, Louisville and Frankfort, KY, Schenley, PA, and Tullahoma, TN, to points in AL, LA, MS, and FL. (Hearing site: Phoenix, AZ.)

MC 117786 (Sub-108F), filed May 19, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *bananas,* from Gulfport, MS, New Orleans, LA, Tampa, FL, Baltimore, MD, Wilmington, DE, Charleston, SC and Mobile, AL, to

points in OH, KY, IN, IL, MN, MI, and TN. (Hearing site: Phoenix, AZ.)

MC 120737 (Sub-66F), filed May 5, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting (1) *precut log buildings* from the facilities of Wilderness Log Homes, at or near Plymouth, WI, to points in the U.S. (except AK and HI), and (2) *timber* from points in MI to the facilities of Wilderness Log Homes, at or near Plymouth, WI. (Hearing site: Chicago, IL.)

MC 120737 (Sub-68F), filed May 27, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting (1) *iron and steel articles and pipe*, from the facilities of Fort Worth Pipe and Supply Company at or near Conroe, TX, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of iron and steel articles and pipe (except commodities in bulk), in the reverse direction. (Hearing site: Fort Worth, TX or Chicago, IL.)

MC 120737 (Sub-69F), filed May 27, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *cabs and protective devices* for agricultural, contractors, and industrial equipment, from Litchfield, MN, to points in MI, IA, and NC. (Hearing site: Minneapolis-St. Paul, MN or Chicago, IL.)

MC 121626 (Sub-23F), filed May 20, 1980. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Rd., Sacramento, CA 95828. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting frozen fruits, frozen berries, and frozen vegetables, vegetables, from points in OR and WA to points in CA. (Hearing site: San Francisco, CA.)

MC 121626 (Sub-24F), filed May 20, 1980. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Rd., Sacramento, CA 95828. Representative: Ann M. Pougiales, 100 Bush St., 21st Fl., San Francisco, CA 94104. Transporting (1) *such commodities* as are dealt in by grocery and food business houses, and (2) *commodities* otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), in mixed loads with the commodities in (1) above, between points in CA, on the one hand, and, on the other, points in Carson City, Douglas, and Washoe Counties, NV. (Hearing site: San Francisco, CA.)

Note.—Applicant states that the sole purpose of this application is to eliminate refrigerated-equipment restriction in authority now presently held by applicant.

MC 124896 (Sub-100F), filed May 6, 1980. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, 900 17th St. NW., Washington, DC 20006. Transporting *containers and container closures*, between points in AL, FL, GA, IL, IN, KY, MD, MI, MO, NC, NJ, NY, OH, PA, SC, TN, TX, VA, and WI. (Hearing site: Wilson, NC or Washington, DC.)

MC 125777 (Sub-273F), filed May 5, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *aluminum articles*, in dump vehicles, from the facilities of Aluminum Company of America, at or near Massena, NY, to the facilities of Aluminum Company of America, at or near Cleveland, OH. (Hearing site: Chicago, IL.)

MC 126537 (Sub-37F), filed May 5, 1980. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a Partnership, d.b.a. TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, KY 40221. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *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 American Greetings Corporation, (1) at or near Danville, KY, and (2) at Cleveland, OH, on the one hand, and, on the other, the facilities of Macon Industries, at or near Lafayette, TN. (Hearing site: Cleveland, OH, or Louisville, KY.)

Note.—Dual operations may be involved.

MC 128087 (Sub-10F), filed May 23, 1980. Applicant: JOHN N. JOHN III, INC., P.O. Box 921, 1000 W. Second St., Crowley, LA 70526. Representative: John N. John III (same address as applicant). Transporting *liquid amorphous polypropylene*, (1) from Cedar Bayou, TX, to Crowley, LA, and (2) from Crowley, LA, to points in the U.S. (except AK and HI). (Hearing site: New Orleans, LA, or Ft. Worth, TX.)

MC 133566 (Sub-157F), filed May 19, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *foodstuffs* (except commodities in bulk), from the facilities of C. F. Mueller Company at Jersey City, NJ, to points in CT, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NY, NC, OH, PA, RI, SC, VT, VA, WV and WI, restricted to traffic originating at the named origin. (Hearing site: Washington, DC, or New York, NY.)

MC 135797 (Sub-332F), filed May 13, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, (same address as applicant). Transporting *such commodities* as are dealt in or used by retail variety and department stores (except commodities in bulk), from points in the U.S. (except AK and HI), to Rochester, Buffalo and Syracuse, NY, and points in MI, restricted to traffic destined to the facilities of Naum Brothers, Inc. (Hearing site: Rochester, NY, or Washington, DC.)

MC 138157 (Sub-242F), filed May 27, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). Transporting *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, and frozen foods), from Seattle and Kent, WA to points in the U.S. (except AK and HI), restricted to traffic originating at the facilities of Universal Distribution Center and A&D Transco. (Hearing site: Seattle, WA.)

Note.—Dual operations may be involved.

MC 138627 (Sub-93F), filed May 13, 1980. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *fabricated metal products*, and *materials, equipment and supplies* used in the manufacture, distribution and installation of fabricated metal products, between the facilities of the United States Gypsum Company at Franklin Park, IL, on the one hand, on the other, points, in AR, KS, MO, MN, NE, OK, TX, and WI. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 146306 (Sub-3F), filed May 5, 1980. Applicant: JOHN, D. LARNED, d.b.a. J&P TRANSPORTATION, P.O. Box 515, Westminster, CO 80030. Representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036. *Contract carrier*, transporting *general commodities* (except those of unusual value, Classes

A and B explosives, meats, household goods as defined by the Commission, commodities in bulk, in tank vehicles, those which requiring special equipment), from Denver, CO, to Grand Junction, CO, and El Paso, TX, under a continuing contract(s) with CIA Consolidators, Inc., Craig-Imperial, Inc., Imperial Distribution Systems, Inc., Gulf Atlantic Distribution, Acme Delivery Service, Inc., and Craig's Distribution and Consolidation Co. (Hearing site: Denver, CO, or Washington, DC.)

MC 146396 (Sub-5F), filed May 5, 1980. Applicant: COBRA TRUCKING, INC., 132 Highway 80 West, P.O. Box 2137, Clinton, MS 39056. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Contract carrier,* transporting *nonalcoholic cocktail mixes,* from Byhalia, MS, to points in GA, IL, IN, KS, LA, MD, MO, NC, OH, SC, TX, and VA, under a continuing contract(s) with Master of Mixers, Incorporated. (Hearing site: Memphis, TN.)

Note.—Dual operations may be involved.

MC 146447 (Sub-4F), filed May 14, 1980. Applicant: TAN BAC, INC., P.O. Box 22718, Fort Lauderdale, FL 33335. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier,* transporting (1) *such commodities* as are dealt in by manufacturers of floor products, between Miami, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Biscayne Decorative Products, Inc., of Miami, FL, and (2) *paper and paper products,* and *materials, supplies and equipment* used in the manufacture, sale, and distribution of paper and paper products (except commodities in bulk), between points in the U.S. (including AK but excluding HI) under continuing contract(s) with Simkins Industries, Inc., of New Haven, CT). (Hearing site: Washington, DC.)

MC 147196 (Sub-7F), filed April 28, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459. *Contract carrier,* transporting *paper and paper products,* between the facilities of Crown Zellerbach Corporation at Houston and Dallas, TX, on the one hand, and, on the other, points in AR, CO, LA, MO, NM, OK, and TN, under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 147196 (Sub-8F), filed April 25, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459. *Contract carrier,* transporting (1)(a) *bread crumbs, breading, batter,* and *cake mixes,* and (b) *ingredients* of the commodities in (1)(a) (except commodities in bulk and frozen commodities), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between facilities of Modern Maid Food Products, Inc., at Ponchatoula, LA, on the one hand, and, on the other, points in AL, AR, CA, CO, FL, GA, IL, IN, KY, MS, MO, NE, OK, and TX, under continuing contract(s) with Modern Maid Food Products, Inc., of Garden City, NY. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 147787 (Sub-7F), filed May 5, 1980. Applicant: SOUTHERN DRAYAGE, INC., 4223 Space Center Drive, P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Contract carrier, transporting *furniture* from the facilities of Madison Furniture Industries at or near Canton, MS, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MA, MI, NJ, NY, NC, OH, PA, SC, TN, TX, VA and WI, under continuing or contract(s) with Madison Furniture Industries, of Jackson, MS. (Hearing site: Jackson, MS.)

Note.—Dual operations may be involved.

MC 147956 (Sub-2F), filed May 6, 1980. Applicant: R. CAVALLA, d.b.a., C. F. L. TRUCKING and (CAVALLA TRUCK LINES), 4695 East Terrace Ave., Fresno, CA 93703. Representative: Marshall A. Smith, Jr., 2322 North Maroa Ave., Fresno, CA 93704. Contract carrier, transporting *such commodities* as are dealt in or used by manufacturers or distributors of data processing machines and electrical apparatus, from the facilities of The Vendo Company at Pinedale, CA, to the facilities of I.B.M. Corporation at Tucson, AZ, under continuing contract(s) with The Vendo Company, of Pinedale, CA. (Hearing site: San Francisco, CA.)

MC 148797 (Sub-2F), filed May 12, 1980. Applicant: RICHARD L. WHITE, d.b.a. RICHARD L. WHITE TRUCKING, 2446 Stella, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Contract carrier, transporting *agricultural chemicals,* from Bedford Park, IL, Clinton, Des Moines, and Sioux City, IA, Midland, MI, and Sioux Falls, SD, to points in IA, MN and SD, under continuing contract(s) with Rosen Livestock, Inc., of Fairmont, MN. (Hearing site: Minneapolis, MN.)

MC 148887 (Sub-2F), filed May 8, 1980. Applicant: PORT TERMINAL REFRIGERATED TRANSPORT INC., Foot of Algiers St., Bldg. 153, Port Newark, NJ 07114. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA. 30326. Transporting *bananas and commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) when moving the same vehicle with bananas, in vehicles equipped with mechanical refrigeration, from New York, NY; Newark, NJ; and Philadelphia, PA. to points in PA, OH, MI, IN, IL and WI, under a continuing contract(s) with Castle & Cooke Foods, of Hauppauge, NY.

MC 150006 (Sub-3F), filed May 13, 1980. Applicant: RICHARD L. JENKINS and WARDELL E. JENKINS d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 6, Alpine, WY 83128. Representative: Richard L. Jenkins (same address as applicant) *Contract carrier,* transporting *bentonite, barite, drilling compounds, lost circulation materials,* and *such commodities* as are used in or dealt in by mud companies, between points in Lincoln County, WY, on the one hand, and, on the other, points in WY, ID, UT, and NV, under continuing contract(s) with Milchem Inc., of Denver, CO. (Hearing site: Casper, WY.)

Caption Summary

MC 150136 (Sub-1F), filed May 8, 1980. Applicant: JOE SICILIA, INC., 5523 N. Julia, Spokane, WA 99207. Representative: Boyd Hartman, 10655 N.E. 4th St., Suite 210, P.O. Box 3641, Bellevue, WA 98009. *Contract Carrier,* transporting *building materials and building supplies,* between points in OR, MT, CO, ID, WA, WY, and SD, under continuing contract(s) with Thik-n-Thin, Inc., of Billings, MT. (Hearing site: Spokane, WA.)

MC 150316 (Sub-1F), filed May 23, 1980. Applicant: ROBERT M. HARRIS, Star Rte., Box 134, Buckingham, VA 23921. Representative: Frank B. Hand, Jr., P.O. Box Drawer C, Berryville, VA 22611. Contract carrier, transporting (1)(a) *stone and stone products,* and (b) *steel and aluminum articles,* from the facilities of Allen Morrison, Inc., at Lynchburg, VA to points in CA, CT, GA, IL, IN, ME, MD, MA, MI, MN, MO, NC, NJ, NH, OH, OR, PA, SC, VT, WA, WV, and WI, and (2) *aluminum, cement, mortar, surface coatings, steel, cardboard, lumber and pallets,* in the reverse direction, under continuing contract(s) with Allen Morrison, Inc. (Hearing site: Washington, DC.)

MC 150336 (Sub-1F), filed May 19, 1980. Applicant: WILLIAM A. PILSON II

INC., 1010 Michigan Ave, Palm Harbor, FL 33563. Representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh St NW. Washington, DC 20001. *Contract carrier,* transporting (1) *store fixtures and store equipment* and (2) *equipment, materials and supplies* used in the manufacture, distribution and sale of store fixtures and store equipment between Clearwater, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Capitol Construction Co., of Clearwater, FL. (Hearing site: Tampa, FL.)

MC 150766F, filed May 7 1980. Applicant: JIM OLDLAND, d.b.a. OLDLAND DISTRIBUTING, P.O. Box 3241, Central Point, OR 97502. Representative: Dennis H. Elliott, 555 Benjamin Franklin Plaza, One SW Columbia, Portland, OR 97258. *Contract Carrier,* transporting *used and rebuilt transmission parts,* between the facilities of RPM WHICO, at Azusa, CA, on the one hand, and on the other, Portland, OR, and Seattle, WA, under continuing contract(s) with RPM WHICO. (Hearing site: Portland, OR, or Los Angeles, CA.)

MC 150767F, filed May 7, 1980. Applicant: SMITH & CALDWELL TRUCKING, INC., 404 Wayne Ave., Pine Beach, NJ 08741. Representative: Ronald I. Shapps, 450 Seventh Ave., New York, NY 10001. *Contract carrier,* transporting *electronic equipment, components for electronic equipment, sound recording materials and devices, lawn materials, lawn supplies, and printed matter,* between New York, NY, and Los Angeles, CA, on the one hand, and, on the other, Los Angeles and San Francisco, CA, Atlanta, GA, Chicago, IL, Providence, RI, Houston, TX, Philadelphia, PA, Boston, MA, New York, NY, Seattle, WA, and Atlantic City, NJ, under continuing contract(s) with Right O Way, Inc. (Hearing site: Newark, NJ.)

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Decided: June 19, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 21866 (Sub-164F), filed May 28, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Transporting (1) *industrial fasteners, automotive parts,* and *materials, equipment and supplies* used in the equipment maintenance and automotive parts industries (except commodities in bulk) and (2) *display cabinets* for the above named commodities, between Elizabethtown, KY, Cleveland, OH, Union, NJ, Petersburg, VA, Stone Mountain, GA and Rockford, IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to the facilities of Bowman Distribution Division, Barnes Group, Inc. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 42487 (Sub-990F), filed May 19, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities, (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* serving the facilities of Wilson Sporting Goods Co., at or near Ada, OH, as an off-route point in connection with carrier's presently authorized regular-route operations. (Hearing site: Columbus, OH.)

Note.—Applicant intends to tack to its existing and future authority.

MC 42487 (Sub-993F), filed June 12, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, assembled automobiles and commodities requiring special equipment),* serving the facilities of Hoover-NSK Bearing Co., at or near Clarinda, IA, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Omaha, NE.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 61977 (Sub-33F), filed May 19, 1980. Applicant: ZERKLE TRUCKING COMPANY, a corporation, 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting: *aluminum and aluminum articles* from the facilities of Kaiser Aluminum & Chemical Corp. at or near Revenswood, WV to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI & DC. (Hearing site: Charleston, WV.)

Note.—Dual operations may be involved.

MC 63417 (Sub-284F), filed June 4, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). Transporting *insulating materials* from the facilities of Pabco Division of Louisiana-Pacific Corporation at or near Fruita, CO, and Grambling, LA, to points in U.S. (except AK and HI). (Hearing site: Roanoke, VA, or Washington, DC.)

MC 63417 (Sub-285F), filed June 4, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from points in the U.S. (except AK and HI) to the facilities of Nelson-Roanoke Corporation at Roanoke, VA. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 63417 (Sub-286F), filed June 4, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). Transporting *polyethylene foam products* from Coldwater, MI, to points in the U.S. (except AK, GA, HI, IL, IN, KY, NY, OH, PA, SC, TN, VA). (Hearing site: Roanoke, VA, or Washington, DC.)

MC 63417 (Sub-287F), filed June 4, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). Transporting *glass containers* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Chattanooga Glass Company. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 63417 (Sub-289F), filed June 4, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). Transporting (1) *fireplaces, air heaters, ventilators, barbecue grills,* and (2) *accessories* used in the installation of the commodities in (1) above from the facilities of Whittier Steel and Manufacturing, Inc., at or near Sante Fe Springs, CA, to points in the U.S. (except AK and HI). (Hearing site: Roanoke, VA, or Washington, DC.)

MC 70557 (Sub-31F), filed May 19, 1980. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. Transporting *paper and paper products*

and equipment, materials and supplies used in the manufacture, sale and distribution, thereof (except commodities in bulk) between the facilities of Gilman Paper Company at St. Mary's, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MO, MS, NC, OK, SC, TN, TX, VA and WV. (Hearing site: Atlanta, GA.)

MC 78687 (Sub-109F), filed June 10, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street, P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *animal feed, animal feed ingredients, animal feed supplements and additives* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) above (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, and Mattoon, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffice originating at or destined to the above named facilities. (Hearing site: San Francisco, CA.)

MC 93147 (Sub-20F), filed May 28, 1980. Applicant: DELTA TRANSPORT CORPORATION, 840 Union Street, West Springfiled, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Transporting (a) *batteries, flashlights, lamps, store display racks, chemicals, electrical equipment and parts,* (except commodities in bulk), and (b) *materials, equipment and supplies used in the manufacturing, sale and distribution of those commodities in (a)* between Cerritos, Pasadena, and San Francisco, CA, Hartford, New Britain, Wallingford, Waterbury, and Oakville, CT, Wilmington, DE, Atlanta, GA, Chicago, IL, Red Oak, IA, Lawrence, Medford, Taunton, Wilmington, and Worcester, MA, Marysville, MO, Berlin, Voohersville, Manchester, NH, Edison and Saddlebrook, NJ, Lockport, New York and Schenectady, NY, Asheboro, Ashville, Greensboro, and Greensville, NC, Cleveland, Edgewater, and Freemont, OH, Portlant, OR, Kingsport and Memphis, TN, Dallas, TX, and Burlington, St. Albans, and Bennington, VT, restricted to traffice originating at or destined to the facilities of Union Carbide Corporation. (Hearing site: New York, NY.)

MC 105566 (Sub-218F), filed April 23, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406 Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Transporting *petroleum products* (except in bulk) (1) from the plant site of Mobil Oil Corporation in Woodhaven, MI to Beaumont, TX and (2) from the plant site of Mobil Oil Corporation at Beaumont, TX to Woodhaven, MI. (Hearing site: Washington, DC, or New York, NY.)

MC 110166 (Sub-26F), filed May 6, 1980. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., P.O. Box 100943, Nashville, TN 37210. Representative: J. C. Hutcheson (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring refrigeration) serving Chattanooga, TN, as an intermediate point on its Nashville, TN,—Atlanta, GA, authority, and joinder thereto its other authority to serve Chattanooga. (Hearing site: Nashville, TN, or Chattanooga, TN.)

MC 143257 (Sub-1F), filed May 19, 1980. Applicant: CHAMBERS, LTD., 405 South DeKalb Street, Corydon, Iowa 50060. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *cosmetic body care products,* and (2) *health food products,* from the facilities of Sasco Cosmetic, Inc., at or near Dallas, TX to points in IA, IL, and MN. (Hearing site: Des Moines, IA.)

MC 111967 (Sub-10F), filed May 28, 1980. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton, OK 73501. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from Abilene, TX to Duncan, OK. (Hearing site: Oklahoma City, OK.)

MC 114457 (Sub-573F), filed May 28, 1980. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting: *(1) paper and paper articles, (2) woodpulp, (3) plastic and plastic products, and (4) materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) (2) and (3) above (except commodities in bulk) between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities used by Georgia Pacific Corporation. (Hearing site: Hartford, CT, or St. Paul, MN.)

MC 114457 (Sub-574F), filed May 28, 1980. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting: *(1) steel doors, door frames, and parts and accessories thereto, and (2) materials, equipment, and supplies* used or useful in the installation of commodities in (1) above (except commodities in bulk) from MIlan, TN to points in CT, ME, MA, MD, DE, IN, KY, MI, NH, RI, VT, NY, NJ, OH, PA, VA, WV, and DC. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 119656 (Sub-77F), filed May 15, 1980. Applicant: NORTH EXPRESS, INC., 219 Main Street, P.O. Box 247, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting: *fertilizers, chemicals, pesticides, and fertilizer ingredients, machinery, materails and supplies,* used in the manufacture, packaging and distribution of fertilizer and pesticides, between points in AR, IL, IN, KY, MI and OH. (Hearing site: Indianapolis, IN.)

MC 120636 (Sub-9F), filed May 29, 1980. Applicant: BRUNTON STORAGE & VAN CO., INC., 6th and Lucust Streets, P.O. Box 577, Chatsworth, IL 60921. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting: (1) *animal feed, animal feed ingredients, animal feed supplements and additives* (except commodities in bulk), and (2) *materails and supplies* used in the manufacture and distribution of commodities in (1) above (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, and Mattoon, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the above named facilities. (Hearing site: San Francisco, CA.)

MC 129387 (Sub-114F), filed May 30, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). Transporting: (1) *foodstuffs, food ingredients and related equipment and supplies and* (2) *pet food* from points in CA to points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD and WI. (Hearing site: Los Angeles or San Francisco, CA.)

MC 134086 (Sub-3F), filed June 11, 1980. Applicant: LEWIS A. HANNABASS, Box 428, Route 1, Moneta, VA 24121. Representative: Frank B. Hand, Jr., Box C, Berryville, VA 22611. *Contract carrier,* transporting *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) from points in Bedford and Roanoke Counties, VA, to points in WV, under continuing contract(s) with Montgomery Ward & Co., Inc., of Baltimore, MD. (Hearing site: Washington, DC.)

MC 135797 (Sub-333F), filed May 19, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *foodstuffs* (except in bulk) from Lindale and Tyler, TX and Hartford, MI to points in the U.S. (except AK and HI). (Hearing site: Washington, DC.)

MC 136146 (Sub-2F), filed May 28, 1980. Applicant: EMPIRE WAREHOUSE, INC., 4970 Olive Street, Commerce City, CO 80022. Representative: Donald L Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *foodstuffs*, from Denver, CO, on the one hand, and, on the other, points in Denver, Arapahoe, Adams, Boulder, Weld, Larimer, Douglas, Jefferson, El Paso, Pueblo, Fremont, Clear Creek and Gilpin Counties, CO. (Hearing site: Denver, CO.)

MC 143867 (Sub-3F), filed June 2, 1980. Applicant: SINGER CONTRACTING COMPANY, INC., P.O. Box 218, Lumpkin, GA 31815. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting *(1) sawdust, shavings, and wood residue and (2) bark, otherwise exempt from economic regulations when moving in mixed loads with the commodities named in (1) above*, from Holmes and Jackson Counties, FL to Barbour County, AL and from Barbour County, AL to Macon and Daugherty Counties, GA. (Hearing site: Columbus, GA.)

MC 144547 (Sub-13F), filed June 10, 1980. Applicant: DURA-VENT TRANSPORT CORPORATION, P.O. Box 2249, 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th Street, N.W., Washington, D.C. 20006. Contract carrier transporting *cleaning compounds* and *toiletries*, such *commodities* as are dealt in by department, grocery and hardware stores (except foodstuffs and commodities in bulk) and *equipment* and *supplies* used in the manufacture and distribution thereof (except commodities in bulk) from the facilities of the American Cyanamid Company at Jackson, MS to points in AZ, CA, CO, NV, NM, OR, UT and WA, under continuing contract(s) with American Cyanamid Company of Wayne, IN. (Hearing site Desired: Washington, D.C.)

MC 144846 (Sub-13F), filed May 29, 1980. Applicant: TRANSTATES, INC., 3216 East Westminster, Santa Ana, CA 92703. Representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Transporting *fiberglass reinforcement, roving, chopped and continuous strand mat, and woven roving*, from points in SC, TN, TX, PA, and OH to points in CA. (Hearing site: Los Angeles, CA.)

MC 147196 (Sub-9F), filed May 29, 1980. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459. *Contract carrier*, transporting (1) *non-alcoholic carbonated beverages*, and (2) *materials, supplies and equipment* used in the manufacture, sale distribution of non-alcoholic carbonated beverages, between the facilities of Shasta Beverages, Inc. in Houston, TX, and points in LA, under a continuing contract(s) with Shasta Beverages, Inc., of Houston, TX. (Hearing site: New Orleans or Baton Rouge, LA.)

MC 147886 (Sub-11F), filed June 4, 1980. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting *such Commodities used by or distributed by a manufacturer of paper and paper products*, between the facilities used by International Paper Co. on the one hand, and, on the other, points in the United States. (Hearing site: Atlanta, GA, or Memphis, TN.)

MC 148077 (Sub-1F), filed May 27, 1980. Applicant: JAMES L. KAMPSTRA d.b.a. KAMPSTRA TRUCKING, Route 2, Box 552, Aurora, OR 97002. Representative: James L. Kampstra (same address as applicant). Over regular routes, transporting *general commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Portland and Corvallis, OR, from Portland over Interstate Hwy 5 to Albany, OR, then over OR Hwy 34 to Corvallis, and return over the same route, serving the intermediate points of Albany and Salem, OR, and the off route of Lebanon, OR. (Hearing site: Portland, OR.)

MC 148846 (Sub-3F), filed June 3, 1980. Applicant: JETWAL, INC., P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transporting (1) *molasses* and *condensed steffens filtrate*, in tank vehicles, from points in WY, NE and KS, to the facilities of Cargill, Inc. at or near Sterling, CO and the facilities of Loomix, Inc. at or near Johnstown, CO, (2) *liquid feed supplement, liquid feed ingredients* and *liquid fertilizer*, in tank vehicles, from the facilities of Cargill, Inc. at or near Sterling, CO and the facilities of Loomix, Inc. at or near Johnstown, CO to points in SD, NE, KS, IA, WY, MT, OK and TX. Common control may be involved. (Hearing site: Denver, CO.)

MC 148857 (Sub-1F), filed May 1, 1980. Applicant: CHILD TRUCK LINE, INC., 711 South Third Street, Chowchilla, CA 93610. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting *insulation materials and materials and supplies* used in the installation of insulation materials from the facilities of Johns-Manville Sales Corporation at or near Willows, CA to points in ID, OR and WA. (Hearing site: San Francisco or Los Angeles, CA.)

MC 149137 (Sub-3F), filed April 24, 1980. Applicant: MASTER TRANSPORT SERVICES, INC., Suite 203, 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting (1) *plastics and plastic articles and* (2) *materials and supplies used in connection with the manufacture and distribution thereof*, between the plantside of Plastiplex Corporation at Troy, MI, on the one hand, and, on the other, points in the U.S. (except AK, HI, and MI.) (Hearing site: Detroit, MI.)

MC 149497F, filed May 15, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting: *agricultural tractors and implements, cranes, grading and road making equipment, military goods and equipment; oil, water and gas well outfits and supplies, and shipping containers*, between points in AR, CA, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, NC, NJ, OH, OK, OR, PA, SC, TN, TX, VA, WA and WI, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Chicago, IL, or New York, NY.)

MC 150447 (Sub-1F), filed April 25, 1980. Applicant: GSC TRANSPORT INC., 1050 State Street, Perth Amboy, NJ 08861. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Contract, carrier transporting (1) *foam glass insulation* and *glass block*, in containers or trailers with chassis; and

(2) *empty trailers with chassis or containers*, between Port Allegany, PA, on the one hand, and, on the other, New York, NY and Baltimore, MD, restricted to shipments having a prior or subsequent movement by water, under continuing contract(s) with Pittsburgh Corning Corporation, of Pittsburgh, PA. (Hearing site: New York, NY.)

MC 150826F, filed May 21, 1980. Applicant: FULTRAN, INC., 3000 Shermer Road, Northbrook, IL 60062. Representative: Carl L. Steiner, 39 So. LaSalle Street, Chicago, IL 60603. Contract carrier, transporting *ferrous and non-ferrous metals* between points in AL, AR, CO, CT, FL, GA, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, PA, TX, WV, WI and TN, under a continuing contract(s) with Fullerton Metals Co., of Northbrook IL. (Hearing site: Chicago, IL.)

MC 150827F, filed April 28, 1980. Applicant: ARCH'S TRANSFER LTD., 2491 McKenzie St., Penticton, British Columbia, Canada, V2A 6H9. Representative: J. K. Thompson, P.O. Box 163, Penticton, British Columbia, Canada, V2A 6K3. *Contract carrier*, transporting (1) *laminated beams*, (2) *lumber*, and (3) *materials and supplies* used in the installation and construction of the commodities in (1) and (2) above, from ports of entry on the International Boundary line between the United States and Canada at Blaine, Sumas, Lynden, Oroville, Danville, Laurier, Northport, and Metaline Falls, WA, Porthill and Eastport, ID to points in WA, ID and OR, under a continuing contract(s) with Kee Pee Laminating Ltd. and Structurlam Products Ltd., both of Penticton, British Columbia, Canada. (Hearing site: Seattle, WA, or Portland, OR.)

MC 150846 (Sub-1F), filed May 20, 1980. Applicant: MACPHIL, INC., 1619 Silver Street, Anderson, IN 46012. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *brass, bronze, copper and brass mill products, rod, sheet, tube and wire*, from the facilities of the Bridgeport Brass Company at Indianapolis, IN to Bridgeport, CT, and (2) *materials, equipment and supplies*, used in the manufacture, sale and distribution of transmissions and transmission parts, (a) from Youngstown, Minerva, Canton and Massillon, OH, Lackawanna, NY, Johnstown, Midland and Meadville, PA, to the facilities of Warner Gear Division of Borg Warner Corp. at Muncie, IN; and (b) from Canton, OH to the facilities of Warner Gear Division of Borg Warner Corp. at Indianapolis, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 150866F, filed May 19, 1980. Applicant: THELL W. GUBLER & SONS TRUCKING, P.O. Box 127, LaVerkin, UT, 84745. Representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, UT 84110. *Contract carrier*, transporting *iron and steel articles* between the facilities of St. George Steel Fabrication, Inc. located at or near St. George and Lyndon, UT on the one hand, and on the other, points in the U.S. (except AK and HI), under a continuing contract(s) with St. George Steel Fabrication, Inc., of St. George, UT. (Hearing site: Salt Lake City, UT.)

MC 150886 (Sub-1F), filed May 27, 1980. Applicant: KID GLOVE SERVICE, INC., 4601 Kercheval Drive, Indianapolis, IN 46226. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier*, transporting *appliances*, (a) from the facilities of Robco Distributing, Inc. at Indianapolis, IN to Columbus and Cincinnati, OH, Louisville, KY and Robinson, IL; and (b) from St. Louis, MO, Columbus and Mansfield, OH, Bloomington, IL, Amana, IA, Ripon, WI and Fayettsville, TN, to the facilities of Robco Distributing, Inc. at Indianapolis, IN, under a continuing contract(s) with Robco Distributing, Inc., of Indianapolis, IN. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 150897F, Applicant: ERNEST C. McELMEEL, R. R. 3, Monticello, IA 52310. Representative: Ernest C. McElmeel (same address as applicant). *Contract carrier*, transporting *wood pallets* and *lumber products* from Monticello IA to points in IA and IL, under a continuing contract(s) with Larson Lumber Co., of Moline, IL. (Hearing site: Cedar Rapids, or Des Moines, IA.)

MC 150906F, filed June 6, 1980. Applicant: THE DAVIS MANUFACTURING AND SUPPLY COMPANY, 215 Highway 50 Business Loop, Olathe, CO 81425. Representative: George A. Wollbrinck, P.O. Box 38, Olathe Professional Building, Olathe, CO 81425. *Contract carrier*, transporting *gypsum lathe, gypsum wallboard, gypsum wallboard systems, gypsum products*, and *plaster* (except commodities in bulk) from points in AR to points in counties or portions of counties in CO, west of the Continental Divide, under a continuing contract(s) with Gold Bond Building Products, Division of National Gypsum Company of Long Beach, CA. (Hearing site: Grand Junction, CO.)

MC 150917F, filed May 27, 1980. Applicant: KEENEYCO, INC., 21462-81 Pacific Coast Hwy., Huntington Beach, CA 92648. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier*, transporting *bakery products* (except frozen) between the plantsite of S. B. Thomas, Inc. at or near Placentia, CA, on the one hand, and, on the other, points in AZ, under a continuing contract(s) with S. B. Thomas, Inc., of Totowa, NJ. (Hearing site: Los Angeles, CA.)

MC 150926F, filed May 23, 1980. Applicant: REVIS SAND & STONE, INC., 1880 Spartanburg Highway, Hendersonville, NC 28739. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. *Contract carrier*, transporting *nylon rollers*, from Balfour, NC to Beech Island, SC and Anniston, AL, under continuing contract(s) with Kimberly-Clark Corporation, Berkley Mills. Supporting shipper: Kimberly-Clark Corporation of Balfour, NC. (Hearing site: Asheville, NC.)

MC 150957 (Sub-1), filed June 2, 1980. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. Contract carrier transporting *rum, alcoholic liquers, alcoholic wines* and *tequila*, from Jacksonville, FL, to Montgomery, AL under a continuing contract(s) with Bacardi Imports, Inc., or the Tax Commission, Alcoholic Beverage Control Division, State of Alabama. (Hearing site: Mobile, AL, Montgomery, AL, or Jacksonville, FL.)

MC 150997 (Sub-1F), filed June 9, 1980. Applicant: WINDERMAN AUTO SALES, INC., 320 Turner Lane, Westchester, PA 19380. Representative: James F. Maher, 1200 Four Penn Center Plaza, Philadelphia, PA 19103. Transporting *new and used automobiles, vans and pick-up trucks* between (1) points in AL, FL, IL, IN, NJ, NY, OH, PA, TX and VA; and (2) points in MI, Elizabeth, NJ and Baltimore, MD. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Applicant has introduced rates as an issue in this proceeding.

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Decided: June 24, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 11207 (Sub-560F), filed June 16, 1980. Applicant: DEATON, INC., P.O. Box 938, Birmingham, AL 35201. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *(1) alcohol anti-freeze, anti-freeze proprietory compounds, de-icing proprietory, windshield washer solvent, petroleum and petroleum products, additives, agricultural chemicals*

(except in bulk, in tank vehicles) *containers and enclosures,* from points in Montgomery County, AL, to those points in the U.S. in and east of ND, SD, NE, KS, OK and TX; and *(2) Materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk, in tank vehicles) in the reverse direction. (Hearing site: Montgomery or Birmingham, AL.)

MC 11207 (Sub-561F), filed June 6, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *glass containers,* between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Chattanooga Glass Company. (Hearing site: Chattanooga, TN, or Washington,DC.)

MC 11207 (Sub-562F), filed June 6, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *flat glass,* from Jeannette, PA, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, TX, and VA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 13777 (Sub-6F), filed June 17, 1980. Applicant: AAA TRANSPORTATION, INC., 2957 S. East Rd., Indianapolis, IN 46206. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *(1) building materials and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between the facilities of Bird & Son, Inc. located at or near (a) Chicago, IL, (b) Franklin (Warren County), OH, and (c) St. Matthews, KY, on the one hand, and, on the other, points in GA, IL, IN, IA, KY, MI, MO, OH, and TN. (Hearing site: Washington, DC.)

MC 27817 (Sub-170F), filed June 20, 1980. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Canned and preserved foodstuffs* (except frozen), in containers, *vegetable, cooking or salad oils, vegetable oil shortening,* and *matches,* (except in bulk), between the facilities of Hunt-Wesson Foods, Inc., at or near Charlotte, NC, on the one hand, and, on the other, points in VA, WV, MD and DC. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 29886 (Sub-375F), filed June 17, 1980. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53140. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *electrostatic precipitator parts,* from Riverview, MI, to points in the U.S. (except AK and HI). (Hearing site: Detroit, MI, or Washington, DC.)

MC 30237 (Sub-42F), filed June 5, 1980. Applicant: YEATTS TRANSFER COMPANY, a Corporation, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant). Transporting *new furniture,* and *materials and supplies* used in the manufacture thereof (except commodities in bulk), (1) between Leeds, AL, Atlanta, GA, and Clifton, NJ, on the one hand, and, on the other, points in KY, MD, NC, SC, TN, VA, WV, and DC, and (2) between Clifton, NJ, and Atlanta, GA. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 33037 (Sub-23F), filed June 12, 1980. Applicant: STUDER TRUCK LINE, INC., Beattie, KS 66406. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting fertilizer, and feed grade urea, (1) from Pryor, OK to points in AR, KS, MO, NE, and TX, and (2) from Fairbury, NE, to points in AR, IL, IA, KS, MN, MO, OK, SD, and TX. (Hearing site: Kansas City, MO.)

MC 35227 (Sub-18F), filed May 29, 1980. Applicant: EDSON EXPRESS, INC., P.O. Box 887, Longmont, CO 80501. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 So. Steele St., Denver, CO 80209. Over regular routes, transporting *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 Basin, WY, and Billings, MT: from Basin over U.S. Hwy 16 to junction U.S. Hwy 310, then over U.S. Hwy 310 to junction U.S. Hwy 10 and Interstate Hwy 90, then over U.S. Hwy 10 and Interstate Hwy 90 to Billings, and return over the same route, serving the intermediate points of Greybull and Lovell, WY, and the off-route points of Powell and Cody, WY. (Hearing site: Cody, WY, or Billings, Mt.)

MC 42487 (Sub-944F), filed June 19, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORTATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Colt Industries—Central Moloney Division, at or near Arcadia, FL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Tampa, FL.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 51146 (Sub-854F), filed June 9, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *welding equipment and supplies,* from the facilities of Hobart Brothers Company, at Troy, OH, to points in the U.S. (except AK and HI). (Hearing site: Columbus, OH.)

MC 55896 (Sub-141F), filed June 9, 1980. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Rd., Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Transporting *sound deadener and sound control material, pads, padding or wadding,* (1) from Lowell, IN, to points in MI and OH, and (2) from Oregon, OH, to Lowell and Hammond, IN. (Hearing site: Chicago, IL.)

MC 60087 (Sub-22F), filed June 13, 1980. Applicant: CURRY MOTOR FREIGHT LINES, INC., P.O. Box 1190, Amarillo, TX 79105. Representative: Grady L. Fox, 222 Amarillo Bldg., Amarillo, TX 79101. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fort Stockton, TX, and El Paso, TX, over Interstate Hwy 10, serving no intermediate points, and (2) between Marfa, TX, and El Paso, TX, from Marfa over U.S. Hwy 90 to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to El Paso, and return over the same routes, serving no intermediate points. (Hearing site: Amarillo, or El Paso, TX.)

Note.—Applicant intends to tack with existing authority.

MC 63417 (Sub-291F), filed June 4, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *copperclad aluminum wire, bare copper wire, and galvanized steel wire,* from Fayetteville, TN, and Muncie, IN, to Chatham, VA. (Hearing site: Roanoke, VA, or Washington, DC.)

MC 67156 (Sub-8F), filed May 30, 1980. Applicant: CONTAINER TRANSPORT COMPANY, DIVISION OF FIBREBOARD CORPORATION, Foot of Fourth St., P.O. Box 1409, Antioch, CA 94509. Representative: P. W. Pollock (same address as applicant). Contract carrier, transporting (1) *particleboard*, in sea van containers, from Sacramento, CA, to Oakland and San Francisco, CA, restricted to export traffic, and (2) *empty sea van containers*, from Oakland and San francisco, CA, to Sacramento, CA, under continuing contract(s) with Hanjin Containers Lines, Ltd., of Oakland, CA. (Hearing site: Oakland or San Francisco, CA.)

MC 78687 (Sub-110F), filed June 10, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *lumber, lumber products, and forest products and products thereof*, between points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Montpelier, VT.)

Note.—Dual operations may be involved.

MC 78687 (Sub-111F), filed June 10, 1980. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlne Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *wrapping paper and pulpboard*, from West Point, VA, to points in MD, DE, NY, PA, NJ, CT, MA, RI, ME, NH, OH, IN, IL, WV, NC, SC, GA, and DC: and (2) *materials, equipment and supplies* used in the manufacture, distribution and sale of the commodities in (1) above (except in bulk), in the reverse direction. (Hearing site: Richmond, VA.)

Note.—Dual operations may be involved.

MC 98327 (Sub-46F), filed June 20, 1980. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Dr., Oakland, CA 94621. Representative: Ray V. Mitchell (same address as applicant). Over regular routes, transporting *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 Roswell, NM, and Ft. Worth, TX, from Roswell over U.S. Hwy 380 to junction U.S. Hwy 84, then over U.S. Hwy 84 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Ft. Worth, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Dallas, TX, or Albuquerque, NM.)

MC 99427 (Sub-49F), filed June 17, 1980. Applicant: ARIZONA TANK LINES, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting (1) *petroleum and petroleum products*, in bulk, from Bakersfield, CA to points in AZ; and (2) cottonseed oil, in bulk, from Phoenix, AZ to points in TX. (Hearing site: Phoenix, AZ, or Des Moines, IA.)

MC 105457 (Sub-102F), filed June 18, 1980. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Memphis, TN, and N. Little Rock, AR, over Interstate Hwy 40, serving no intermediate points, (2) between N. Little Rock, AR, and Ft. Smith, AR (a) over U.S. Hwy 64, and (b) over Interstate Hwy 40, (3) between Ft. Smith, AR, and Oklahoma City, OK, (a) over Interstate Hwy 40, and (b) from Ft. Smith over U.S. Hwy 64 to junction with U.S. Hwy 66, then over U.S. Hwy 66 to Oklahoma City, and return over the same route, (4) between Oklahoma City, OK, and Dallas, TX, over Interstate Hwys 35 and 35E, serving no intermediate points, but serving in connection with routes (2) and (3) all intermediate points and all points in Crawford, Franklin, Sebastian, and Washington Counties, AR, and Canadian, Cleveland, Creek, Grady, Lincoln, Logan, Mayes, McClain, Muskogee, Okfuskee, Okmulgee, Payne, Pottawatomie, Rogers, Seminole, Sequoyah, Tulsa, and Wagoner Counties, OK, as off-route points. (Hearing site: Charlotte, NC, or Ft. Smith, AR.)

MC 109397 (Sub-512F), filed May 27, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting: (1) *plastic articles and aluminum articles*, and (2) *equipment, materials and supplies* moving in connection therewith, from Salem, OR, Seattle and Tacoma, WA, Albuquerque, NM, and Hawthorne, CA, to points in the U.S. (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 111496 (Sub-35F), filed June 4, 1980. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Over regular routes, transporting *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), between St. Cloud, MN, and Minneapolis/St. Paul, MN, from St. Cloud over MN Hwy 15 to junction MN Hwy 7, thence over MN Hwy 7 to Minneapolis/St. Paul and return over the same route, serving Hutchinson, MN, as an intermediate point. (Hearing site: Minneapolis, MN.)

MC 111956 (Sub-56F), filed June 20, 1980. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette St., Washington, PA 15301. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Indianapolis, IN, and Columbus, OH, over Interstate Hwy 70, serving all intermediate points, (2) between Columbus, OH, and Louisville, KY, over Interstate Hwy 71, serving all intermediate points, (3) between Louisville, KY, and Indianapolis, IN, over Interstate Hwy 65, serving all intermediate points, and (4) between Cincinnati, OH, and Indianapolis, IN, over Interstate Hwy 74, serving all intermediate points, and in connection with routes (1), (2), (3), and (4) points in Marion, Hancock, Henry, Rush, Fayette, Wayne, Decatur, Ripley, Dearborn, Johnson, Shelby, Bartholomew, Jackson, Washington, Scott and Clark Counties, IN, Preble, Montgomery, Greene, Clark, Madison, Franklin, Pickaway, Fayette, Clinton, Warren, and Hamilton Counties, OH, and Boone, Kenton, Grant, Owen, Henry, Oldham, Shelby, and Jefferson Counties, KY, as off-route points. (Hearing site: Washington, DC, or Cincinnati, OH.)

MC 124236 (Sub-107F), filed June 19, 1980. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. Transporting *motor fuel*, in bulk, in tank vehicles, from Mount Pleasant, TX, to points in OK. (Hearing site: Dallas, TX.)

MC 127047 (Sub-43F), filed June 16, 1980. Applicant: ED RACETTE & SON, INC., 6021 No. Broadway, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting (1) *water pumping units and accessories*, from Winfield, KS, to points in the U.S.

(except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of water pumping units and accessories, (except in bulk), in the reverse direction. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 127306 (Sub-13F), filed June 9, 1980. Applicant: M. W. McCURDY & CO., INC., 401 Nora's Lane, Houston, TX 77022. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *liquid fertilizer and liquid treatment for waste water and manure pits* (except in bulk) from the facilities of Medina Agriculture Products Co., Inc. at Hondo, TX, to points in AZ, CA, ID, NV, NM, OR, and WA. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 128007 (Sub-159F), filed June 6, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66601. Transporting *drilling compounds*, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities used by Rotary Drilling Services, Inc. (Hearing site: Tulsa, OK, or Kansas City, MO.)

MC 133566 (Sub-159F), filed June 4, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *foodstuffs* (except in bulk), from the facilities of Amstar Corp., at (a) Pitman, NJ, (b) Baltimore, MD, (c) Philadelphia, PA, and (d) Chalmette, LA, to points in AL, CO, FL, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, and WI. (Hearing site: Washington, DC, or Chicago, IL.)

MC 134806 (Sub-67F), filed June 16, 1980. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon, Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave. Suite 605, Washington, DC 20014. *Contract carrier* by motor vehicle transporting *new furniture, antiques, household furnishings, and garden furniture*, from Watertown, MA, to Denver and Boulder, CO, Salt Lake City, UT, Las Vegas and Reno, NV and points in CA, under continuing contract(s) with Trouvailles, Inc., of Watertown, MA. (Hearing site: Boston, MA, or Washington, DC.)

MC 136916 (Sub-23F), filed June 19, 1980. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *cullet*, in bulk, from points in CT to points in NJ. (Hearing site: New York, NY.)

MC 138157 (Sub-244F), filed June 9, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, (same address as applicant). Transporting (1) *building materials, perlite, plant bed media, plastic articles, chemicals, potting soil, vermiculite*, and (2) *materials equipment and supplies* used in the production, distribution, and application of the commodities in (1) above (except commodities in bulk and those which by reason of size or weight require the use of special equipment), between Irondale, AL, Fogelsville, and Fallsington, PA, West Chicago, IL, Oklahoma City, OK, and Omaha, NE, 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 W. R. Grace & Co. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 139906 (Sub-120F), filed June 17, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT. 84127. Representatives: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *iron or steel wire and iron or steel fabric*, from the facilities of Cook & Company, at or near Lumber City, GA to points in NC, TN, and AR. (Hearing site: Salt Lake City, UT, or Lincoln, NE.)

Note.—Dual operations may be involved.

MC 143236 (Sub-52F), filed May 29, 1980. Applicant: WHITE TIGER TRANSPORTATION CO., INC., 40 Hackensack Ave., Kearny, NJ 07032. Representative: Elizabeth E. Murphy (same address as applicant). Transporting *such commodities as are dealt in by department stores*, between points in MA, CT, and PA, on the one hand, and, on the other, St. Louis, MO, restricted to traffic originating at or destined to the facilities of Famous & Barr Department Stores. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 143646 (Sub-3F), filed June 6, 1980. Applicant: KEITH BOTKINS TRUCKING, INC., 112 West Rollins St., Moberly, MO 65270. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. Transporting (1) *lumber and lumber products*, from points in Randolph County, MO, to points in AR, IL, IN, IA, KS, KY, OH, and OK, and (2) *dry fertilizer*, from the Brunswick River Terminal, at or near Brunswick, MO, to points in AR, IL, IA, KS, and NE. (Hearing site: Jefferson City, or Moberly, MO.)

MC 143956 (Sub-14F), filed June 3, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 770, Century Center, 1800 Century Blvd., NE., Atlanta, GA 30345. Transporting (1) *paper, paper products, plastics, plastics articles, containers, metal ends, machinery parts, warp beams, pulpwood articles, cones, tubes, metal buildings or parts thereof, lumber, forest products, adhesives, coatings, waste paper, pulpboard products*, and (2) *materials, equipment and supplies* used in the manufacture, sale or distribution of the above commodities (except in bulk, in tank vehicles), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities utilized by the Sonoco Products Company. (Hearing site: Columbia, SC.)

Note.—Dual operations may be involved.

MC 144616 (Sub-9F), filed June 23, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *meats, meat products, meat by-products*, and *articles distributed by meat packinghouses* as described in Sections A & 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 John Morrell & Co. at or near Shreveport, LA to points in CT, DE, IL, IN, KY, ME, MA, MI, MO, NH, OH, RI, VA, and WV. (Hearing site: Fort Worth, TX, or Chicago, IL.)

MC 144756 (Sub-7F), filed June 16, 1980. Applicant: DEDICATED TRUCKING CORP., Hamilton and Rush Rds., P.O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Contract carrier*, transporting (1) *Such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen and in bulk) and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in part (1) above between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, under continuing contract(s) with The Clorox Company, Duraflame, Inc., a wholly owned subsidiary of the The Clorox Company, and The Kingsford Company, a wholly owned subsidiary of The Clorox Company, all of Oakland, CA.

(Hearing site: San Francisco, CA, or Portland, OR.)

MC 145947 (Sub-5F), filed June 5, 1980. Applicant: SHELTON D. SMITH, d.b.a. PROTOCOL TRUCKING COMPANY, P.O. Box 40098, Garland, TX 75041. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. *Contract carrier*, in foreign commerce only, transporting *drilling muds* (except in bulk, in tank vehicles), from the facilities of Fritz Chemical Company, at Mesquite, TX, to Houston, Galveston, and Brownsville, TX, under continuing contract(s) with Halliburton Services, of Duncan, OK. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 146336 (Sub-13F), filed June 19, 1980. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Contract carrier*, transporting *high fidelity equipment, video equipment, and component parts thereof*, between the facilities of U.S. Pioneer Electronics Corporation, at (a) Los Angeles, CA, (b) Irving, TX, (c) Moonachie, NJ, and (d) Chicago, IL, under continuing contract(s) with U.S. Pioneer Electronics Corp., of Irving, TX. (Hearing site: Dallas, TX.)

MC 146536 (Sub-9F), filed June 5, 1980. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48120. Representative: Edwin M. Snyder, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *lumber and lumber products, timbers, and fence posts*, from points in FL, GA, AL, MS, LA, AR, NC, and SC to Augusta, GA, and points in PA, NY, IN, OH, MI, WI, IL, KY, TN, WV, and IA. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 146646 (Sub-109F), filed June 17, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Brimingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *starch and pepper* (except in bulk), from Chicago, IL and Indianapolis, IN, to the facilities of the Stange Company, at or near Altanta, GA. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 146817 (Sub-7F), filed June 16, 1980. Applicant: GEORGE CAVES, P.O. Box 251, Crete, NE 68333. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Transporting *sugar* (except in bulk), (1) from Mason City, IA, and Chaska, MN, to Buffalo, NY, and (2) from Buffalo, NY, to points in CO, IA, IL, IN, KS, MO, OH, NE, MN, ND, SD, and WI. (Hearing site: Buffalo, NY, or Cleveland, OH.)

MC 146837 (Sub-2F), filed June 9, 1980. Applicant: SOUTHERN MINNESOTA GROCERY COMPANY, 202 Southwest Second, Waseca, MN 56093. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting salt from Hutchinson, KS, to points in IA, MN, WI, and MO. (Hearing site: Minneapolis-St. Paul, MN.)

MC 147396 (Sub-2F), filed June 9, 1980. Applicant: CHARTER TOURS, INC., 402 East Dr., Princeton, WV 24740. Representative: John M. Freidman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Bland, Buchanan, Giles, Tazewell, Wise, and Wythe Counties, VA, and Greenbrier, Logan, McDowell, Mercer, Mingo, Monroe, Raleigh, Summers, and Wyoming Counties, WV, and extending to points in the U.S. (except AK and HI). (Hearing site: Charleston, WV.)

MC 148126 (Sub-1F), filed June 17, 1980. Applicant: E. W. L. TRUCKING, INC., 2055 Johns Ave., Glenview, IL 60025. Representative: Donald S. Mullins, 1033 Greceland Ave., Des Plaines, IL 60016. *Contract carrier*, transporting *wrought iron pipe*, from the facilities of Unarco-Leavitt, at (a) Hammond, IN, and (b) Chicago, Blue Island, and Evanston, IL, to points in MN and WI, under continuing contract(s) with Unarco-Leavitt, Division of Unarco Ind., Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 148357 (Sub-4F), filed June 9, 1980. Applicant: KENNETH DUCKER d.b.a. K & L TRUCK SERVICE, P.O. Box 507, Walnut, CA 91789. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *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), when moving on bills of lading of freight forwarders, between points in WA, OR, ID, NV, UT, AZ, CA, CO, NM and TX, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, MI, IN, KY, TN, MS, AL, FL, GA, NC, SC, VA, WV, OH, MD, PA, NY, NJ, MA, CT, DE, RI, WI, IL, OK, KS, and DC. (Hearing site: Los Angeles, CA.)

MC 148426 (Sub-1F), filed June 19, 1980. Applicant: CONTRACT COURIER SERVICES, INC., 512 Briarwood Lane, Elk Grove Village, IL 60007. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Transporting *radioactive drugs, radioisotopes*, and *medical test kits*, from FT. Wayne and Indianapolis, IN, St. Louis, MO, and points in Cook County, IL, to points in IL, IN, MO, and WI. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 150736 (Sub-1F), filed June 20, 1980. Applicant: CONSOLIDATED SERVICES CO., a corporation, 9350 Harrison, Romulus, MI 48174. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226. Transporting *such commodities as are dealt in by retail department stores*, (1) between the Detroit Metropolitan and Willow Run Airports at or near Romulus and Ypsilanti, MI, Toledo, OH, and facilities of the Dayton Hudson Corporation at or near Fort Wayne and South Bend, IN; (2) between those points in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Tuscola and Huron Countries, MI, on the one hand, and, on the other, those points in MI in and south of Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Tuscola and Huron Counties, MI, on the one hand, and, on the other, Toledo, OH, and facilities of the Dayton Hudson Corporation at or near Fort Wayne and South Bend, IN; (3) between Romulus, MI, on the one hand, and, on the other, those points in MI in and South of Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Tuscola and Huron Counties, MI, Toledo, OH, and facilities of the Dayton Hudson Corporation at or near Fort Wayne and South Bend, IN; and (4) between Chicago, IL, and facilities of the Dayton Hudson Corporation at Dearborn, MI. (Hearing site: Detroit or Lansing, MI.)

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Decided: June 18, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 263 (Sub-234F), filed April 14, 1980. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, P.O. Box 4048, Pocatello, ID 83201. Representative: Wayne S. Green (same address as applicant). Transporting *plastic articles, premium merchandise and sale kits*, from Jerome, ID to Palmdale, CA. (Hearing site: Pocatello or Boise, ID.)

MC 32882 (Sub-141F), filed February 25, 1980. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Transporting (1) *platform trucks, platform tractors, electric cars, barrows, platform wagons, parts, and rectifiers*, and (2) *iron and steel articles*, (a) from the facilities of Taylor-Dunn at or near

Anaheim, CA, to points in the U.S. (except CA, AK, and HI), and (b) from East Chicago, IN, to the origin in (a) above. (Hearing site: Los Angeles, CA.)

MC 32882 (Sub-145F), filed April 11, 1980. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Transporting (1) *railroad crossing modules* (except commodities in bulk, in tank vehicles), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between Malad, ID, 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 Oneida General Corp. (Hearing site: Salt Lake City, UT.)

MC 42092 (Sub-8F), filed April 8, 1980. Applicant: ACME INTER-CITY FREIGHT LINES, a Washington corporation, 3414 2nd Avenue South, Seattle, WA 98134. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. (1) Over regular routes, transporting *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), (a) between Mt. Vernon and Anacortes, WA: from Mt. Vernon, WA over SR WA Hwy 538 to junction WA Hwy 536, then over WA Hwy 536 to junction WA Hwy 20, then over WA Hwy 20 to Anacortes, and return over the same route, and (b) between Burlington and Anacortes, WA, over WA Hwy 20, serving all intermediate points in (1)(a) and (b) above, and (2) over irregular routes, transporting *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), between Mt. Vernon and Burlington, WA, on the one hand, and, on the other, points in Whatcom County, WA. (Hearing site: Seattle or Olympia, WA.)

Note.—Applicant intends to tack and interline at Mt. Vernon and Burlington, WA.

MC 107002 (Sub-580F), filed April 22, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting, *commodities in bulk*, in tank vehicles, (1) between points in Crittenden and Phillips Counties, AR, those in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties, FL, those in Shelby, Tipton, Lauderdale, Dyer, Lake, Obion, Weakley, Gibson, Crockett, Haywood, Fayette, Hardeman, Madison, McNairy, Chester, Henderson, Carroll, Henry, Benton, Decatur, and Hardin Counties, TN, and those in AL and MS, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S., (except AK and HI). (Hearing site: Jackson, MS.)

MC 107012 (Sub-517F), filed April 11, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture*, from points in Maricopa, Pima, Pinal, and Yuma Counties, AZ to points in AR, CA, CO, ID, IA, KS, LA, MN, MS, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Phoenix, AZ, or Washington, DC.)

MC 107012 (Sub-518F), filed April 14, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *plastic articles*, from Panama City, FL, to points in the U.S. (except AK and HI). (Hearing site: Tallahassee, FL, or Washington, DC.)

MC 119493 (Sub-372F), filed April 10, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *chemicals and materials* used in the manufacture and distribution of chemicals (except in bulk), between the facilities of BASF Corp., at or near Wyandotte, MI, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM. (Hearing site: Detroit, MI, or Chicago, IL.)

MC 119493 (Sub-373F), filed April 14, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *glass articles and materials and supplies* used in the manufacture and distribution of glass articles (except commodities in bulk), between Clarksburg, WV, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Clarksburg, WV, or Columbus, OH.)

MC 123993 (Sub-73F), filed April 24, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701. Transporting *bags, bagging, steel cotton bale ties, burlap and twine*, between New Orleans, LA, on the one hand, and, on the other, points in CO, GA, LA, MN, NC, ND, and SD. (Hearing site: New Orlenas, LA.)

Note.—Dual operations may be involved.

MC 135082 (Sub-107F), filed May 8, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: D. F. Jones (same address as applicant). Transporting *lumber, lumber products, wood products and mill work* (1) between points in AZ, CO, and NM, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, NC, OH, SC, TN, and VA, and (2) from Navajo, NM, to Albuquerque, NM. (Hearing site: Albuquerque, NM, or Santa Fe, NM.)

Note.—Applicant intends to tack at points in AZ, CO and NM in order to provide a thru service with applicant's MC–135082 Sub 45.

MC 135082 (Sub-108F), filed May 15, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: D. F. Jones (same address as applicant). Transporting (1) *ceramic tile* and (2) *materials and supplies* used in the installation of the commodities in (1) above, from El Paso, TX to points in the U.S. (except AK and HI). (Hearing site: Albuquerque, NM, or El Paso, TX.)

MC 136343 (Sub-217F), filed April 22, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *fiberboard, pulpboard, and equipment, materials and supplies* used in the manufacture and distribution of fiber board and pulpboard (except commodities in bulk, in tank vehicles), between the facilities of Angleboard Inc., at (a) Timonium, MD and (b) Cincinnati, OH, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136713 (Sub-17F), filed October 4, 1979. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Road N.E., Grand Rapids, MI 49505. Representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2–A, Grand Rapids, MI 49503. Transporting, (1) *Gypsum and Gypsum products* and (2) *materials and supplies* used in the installation and distribution of the commodities in (1) above, from Grand Rapids, MI to points in OH, IN and IL. (Hearing site: Lansing or Detroit, MI.)

Note.—Dual operations may be involved.

MC 138882 (Sub-347F) (Correction), filed February 15, 1980, published in the **Federal Register**, issue of April 10, 1980, and republished, as corrected, this issue. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transport *such commodites* as are dealt in and sold by wholesale tire and rubber distributorships (except commodities in bulk, in tank vehicles), between the facilities of Harris Tire and Rubber Co., Inc., suppliers and customers in AL, FL, GA, SC, NC, TN, KY, MS, LA, TX, MO, IL, and VA. (Hearing site: Montgomery or Birmingham, AL.) The purpose of this republication is to clarify the territorial description and add "suppliers and customers".

MC 143833 (Sub-1F), filed March 3, 1980. Applicant: EARLY RIVAL MOTOR EXPRESS, INC., 2545 Jonesboro Rd. S.E., Atlanta, GA 30315. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. N.E., Atlanta, GA 30326.Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Covington and Snapping Shoals, GA, over GA Hwy 81, serving all intermediate points; (2) between Union Point and Atlanta, GA, over GA Hwy 12, serving all intermediate points, and serving Social Circle, Porterdale, Milstead, and Mansfield, GA, as off-route points; (3) between Greensboro and Sparta, GA, over GA Hwy 15, serving all intermediate points; and (4) between Atlanta and Elizabeth, GA, over GA Hwys 3E and 5, serving all intermediate ponts north of Marietta, GA, and serving no intermediate points between Atlanta and Marietta, GA. condition: Issuance of this Certificate is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration No. MC–143833, issued May 28, 1980. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 144122 (Sub-73F), filed April 8, 1980. Applicant: CARRETTA TRUCKING, INC., S. 160 Route 17, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). Transporting (a) *electric door openers, metal doors and windows, and* (b) *material, equipment and supplies* used in the manufacture, and distribution of (a) (except commodities in bulk), between points in U.S. (except AK. and HI)., restricted to traffic originating at or destined to the facilities of Chamberlain Mfg. Co. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144682 (Sub-42F), filed April 22, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *cleaning compounds, scouring compounds, and washing compounds, and soap* (except commodities in bulk), and (2) foodstuffs (except commodities in bulk), from the facilities used by The Procter & Gamble Distributing Company, at or near Dallas, TX, to points in CA, AZ, NM, CO, and LA. (Hearing site: Dallas, TX.)

MC 146782 (Sub-32F), filed April 23, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting (1) *iron and steel articles* and (2) *materials, equipment and supplies used* in the manufacture of the commodities in (1) above (except commodities in bulk) between the facilities of Exposaic Wire Company, at Mount Airy, NC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Nashville, TN or Mount Airy, NC.)

MC 148183 (Sub-23F), filed April 23, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Industrial Blvd., Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Buildings, 425–13th Street, NW, Washington, DC 20004. Transporting *frozen foods,* in vehicles equipped with mechanical refrigeration, from Plover, WI, to points in AL, FL, GA, LA, MS, and TN. (Hearing site: Boise, ID, Atlanta, GA, or Washington, DC.)

MC 148543F, filed October 4, 1979. Applicant: K. T. TRANSPORT, INC., 2320 Coyle Drive, New Albany, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 45240. Transporting *Malt beverages and used empty malt beverage containers,* from Milwaukee, WI, Eden, NC, Newport, KY, Columbus, OH, Peoria, IL and Detroit, MI to points in Washington, Harrison, Clarke and Floyd Counties, IN. (Hearing site: New Albany, or Indianapolis, IN.)

MC 149022 (Sub-2F) (Correction) filed February 4, 1980, published in the **Federal Register**, issue of April 10, 1980, and republished, as corrected, this issue. Applicant: JOHN D. CARRICO d.b.a. J.C. TRUCKING, 52621 Fir Rd., Granger, IN 46530. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. *Contract carrier,* transporting *lumber and building materials.* . . . (2) between the facilities of Wickes Lumber Company in the IN, MI, and OH counties named in (1) above, ... The purpose of this republication is to correct part (2) to include the MI and OH counties named in part (1) of the authority. The remainder of this application remains as previously published. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 149063F, filed December 20, 1979. Applicant: BILL'S TRUCKING, INC., 135 North State St., Clairton, PA 15025. Representative: Robert J. Walshak (same address as applicant). Transporting (1) *iron and steel articles,* between the facilities of United States Steel Corporation, in Allegheny, Beaver, and Westmoreland Counties, PA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MD, MO, MS, NC, SC, TN, VA, and WV, and (2) *concrete slabs and products* used in the manufacture of concrete slabs, from the facilities of Pittsburgh Flexicore, at Monongahela, PA, to points in MD, NY, and WV. (Hearing site: Pittsburgh, PA.)

MC 150833F, filed May 13, 1980. Applicant: ATLEY H. DEAN, d.b.a. AIDCO TRUCKING, Rte. 2, Box 435, Lucedale, MS 39452. Representative: Charles L. Jones, P.O. Box 195, 202 West Main St., Lucedale, MS 39452. *Contract carrier,* transporting *scrap metal,* between Pensacola, FL, and New Orleans, LA, under continuing contract(s) with Auto-Shred Industries, of Pensacola, FL. (Hearing site: Jackson, MS.)

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Decided: June 20, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 720 (Sub-85F), filed May 14, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in WI and Chicago, IL. (Hearing site: Milwaukee or Madison, IL.)

MC 730 (Sub-504F), filed May 14, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 No. Via Monte, Walnut Creek, CA 94595. Representative: E. E. Reddick (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined

by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Washington Steel Corporation, at Washington, PA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 730 (Sub-505F), filed May 14, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 No. Via Monte, Walnut Creek, CA 94595. Representative: E. E. Reddick (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Kingsport Press, Inc., at or near Kingsport and New Canton, TN, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Knoxville, TN, or Indianapolis, IN.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 730 (Sub-508F), filed May 14, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 No. Via Monte, Walnut Creek, CA 94595. Representative: E. E. Reddick (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Carpenter Technology Corporation at Reading, PA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 2860 (Sub-205F), filed May 5, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). Transporting (a) *electric appliances* and (b) *materials and supplies* used in the manufacture of (a), (1) between the facilities of Hamilton Beach Division of Scoville, Inc., at Washington, Clinton, and Farmville, NC, and (2) from Byesville, OH to points in the U.S. (except AK and HI). (Hearing site: Washington, DC.)

MC 5470 (Sub-225F), filed May 12, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, DC 20006. Transporting *aluminum billets, blooms, granulated (shot) ingots, pigs, slabs, dross and scrap*, between the facilities used by Aluminum Company of America at or near Davenport, IA, Lafayette, IN, Cleveland, OH, and Massena, NY. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 8771 (Sub-70F), filed May 19, 1980. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street N.W., Washington, DC 20004. Transporting *iron and steel articles* from Oakmont, PA, and York, SC, to points in CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 11220 (Sub-212F), filed May 20, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Monsanto Company at or near Chocolate Bayou, TX, as an off-route point in connection with carrier's presently authorized regular-route operations from and to Houston, TX. (Hearing site: St. Louis, MO.)

MC 14321 (Sub-12F), filed May 1, 1980. Applicant: ENGEL VAN LINES, INC., 901 Julia St., Elizabeth, NJ 07201. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1112, Washington, D.C. 20036. Transporting *household goods*, as defined by the Commission, between points in CA and AZ, on the one hand, and, on the other, points in CA, AZ, OR, WA, NV, UT, and NM. (Hearing site: Newark, NJ.)

MC 17600 (Sub-6F), filed May 22, 1980. Applicant: PARAMOUNT MOVING & STORAGE CO., INC., 3 Commercial Avenue, Garden City, NY 11530. Representative: Lawrence S. Burstein, Esq., One World Trade Center, (Suite 2373), New York, NY 10048. Transporting *used household goods* between points in AL, CT, DE, FL, GA, IL, IN, ME, MD, NC, NJ, NY, OH, PA, SC, VA, WV, AZ, CA, CO, MI, NV, NM, TX, and WI. (Hearing site: Washington, DC.)

MC 21720 (Sub-5F), filed May 20, 1980. Applicant: PANTHER VALLEY CARRIERS, INC., R.D. #3, Box 187A, Tamaqua, PA 18252. Representative: James W. Hagar, Esq., McNees, Wallace & Nurick, P.O. Box 1166 (100 Pine Street), Harrisonburg, PA 17108. Transporting (1) *malt beverages* from points in points in Lehigh County, PA, to points in DE, MD, NJ, NY, OH, VA, and DC, and (2) *materials, supplies, and equipment* used in the production and distribution of malt beverages (except in commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 29910 (Sub-270F), filed June 17, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *motor vehicles, hardware, conveyors and conveyor equipment, furniture, lawn care and home maintenance equipment, wheel goods and bicycles, parts, attachments and accessories, lawn mowers, rotary tillers, yard tractors, shredders, edgers, motorized trail bikes, snow throwers and materials, equipment and supplies* used in the manufacture and distribution of the articles named above, between the facilities of MTD Products, Inc., at or near (a) Cleveland, Liverpool, Shelby and Willard, OH, (b) Indianola, MS, (c) Brownsville, TN, and (d) Westfield, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Applicant intends to lack this authority with its existing authority.

MC 33641 (Sub-146F), filed May 15, 1980. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Los Angeles and Sacramento, CA, as an alternate route for operating convenience only, over Interstate Hwy 5, serving no intermediate points, (2) between Sacramento, CA and Spokane, WA, as an alternate route for operating convenience only, from Sacramento, over Interstate Hwy 5 to junction US Hwy 97, then over US Hwy 97 to junction Interstate Hwy 82, then over Interstate Hwy 82 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Spokane, WA, and return over the same route, serving no intermediate points and serving junction Interstate Hwy 5 and US Hwy 97 and junction US Highway 97 and OR Hwy 58 and junction US Hwy 97 and US Hwy 26 and

junction Interstate Hwy 82 and Interstate Hwy 90 and junction Interstate Hwy 505 and Interstate Hwy 5 for purposes of joinder only, (3) between junction Interstate Hwy 5 and US Hwy 97 and Portland, OR, as an alternate route for operating convenience only, over Interstate Highway 5, serving junction OR Hwy 58 and Interstate Hwy 5 and junction US Hwy 26 and Interstate Hwy 5 for purposes of joinder only, (4) between junction US Hwy 97 and OR Hwy 58 and junction OR Hwy 58 and Interstate Hwy 5, as an alternate route for operating convenience only, over OR Hwy 58, serving no intermediate points (5) between junction US Hwy 97 and US Hwy 26 and junction US Hwy 26 and Interstate Hwy 5, as an alternate route for operating convenience only, over US Hwy 26, serving no intermediate points, (6) between junction Interstate Hwy 90 and Interstate Hwy 82 and Seattle, WA, as an alternate route for operating convenience only, over Interstate Hwy 90, serving no intermediate points, and (7) between junction US Hwy 40 (Interstate Hwy 80) and Interstate Hwy 505 and junction Interstate Hwy 505 and Interstate Hwy 5, as an alternate route for operating convenience only, over Interstate Hwy 505, serving no intermediate points. (Hearing site: Salt Lake City, UT.)

Note.—Applicant intends to tack the sought rights to its existing regular-route authority.

MC 35320 (Sub-587F), filed May 5, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *such commodities* as are dealt in or used by retailers, manufacturers and distributors of tires, tread rubber, supplies for tire retreaders and parts for heavy duty vehicles, between the facilities of Bandag Incorporated and its subsidiaries at points in the U.S. (except AK and HI) 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 Bandag Incorporated and its subsidiaries. (Hearing site: Kansas City, MO or Chicago, IL.)

MC 35320 (Sub-590F), filed May 1, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes transporting *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 Salt Lake City, UT, and El Paso, TX; From Salt Lake City over Interstate Hwy 15 to its junction with U.S. Hwy 6, then over U.S. Hwy 6 to its junction with U.S. Hwy 666, then over U.S. Hwy 666 to its junction with U.S. Hwy 64, then over U.S. Hwy 64 to its junction with New Mexico Hwy 44, then over New Mexico Hwy 44 to its junction with Interstate Hwy 25, then over Interstate Hwy 25 through Albuquerque, NM, to El Paso and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: El Paso, TX or Salt Lake City, UT.) Applicant intends to tack and/or interline at points of origin and destination in connection with its regular service route operations.

MC 35320 (Sub-591F), filed May 19, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Decatur, AL, and Jackson, MS, from Decatur over US Hwy 31 to its junction with US Hwy 11, then over US Hwy 11 to its junction with US Hwy 80, then over US Hwy 80 to Jackson, and return over the same route, serving no intermediate points. (Hearing site: Jackson, MS, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-592F), filed May 19, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of the Firestone Steel Products Co. at or near Henderson, KY, on the one hand, to Laredo, TX and its commercial zone on the other. (Hearing site: Evansville, IN, or Washington, DC.)

MC 35320 (Sub-594F), filed May 19, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Carrier Birmingham at or near Birmingham, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL, or Washington, DC.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-595F), filed May 19, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Delco Manufacturing Co. at or near Siloam Springs, AR, as an off-route point in connection with carrier's otherwise authoried regular-route operations. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-596F), filed May 19, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *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 Brand-Rex Co. at or near Siloam Springs, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI.) (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 35320 (Sub-597F), filed May 19, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Franklin Electric Co. at or near Siloam Springs, AR as an off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 35320 (Sub-598F), filed May 22, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX

79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *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 Oklahoma City, OK and Denver, CO, (1) from Oklahoma City over US Hwy 270 to its junction with OK Hwy 3, then over OK Hwy 3 to its junction with US Hwy 287, then over US Hwy 287 to Denver, CO, and return over the same route, serving no intermediate points; and (2) from Oklahoma City over US Hwy 270 to its junction with US Hwy 83 at or near Turpin, OK, (also from Elmwood, OK over OK Hwy 3 to its Junction with US Hwy 83 at or near Balko, OK), then over US Hwy 83 to its junction with US Hwy 50 at or near Garden City, KS, then over US Hwy 50 to its junction with US Hwy 287 at or near Lamar, CO, then over US Hwy 287 to Denver, and return over the same route, serving no intermediate points; as alternate routes for operating convenience only. (Hearing site: Denver, CO, or Chicago, IL.)

Note.—Applicant intends to tack and/or interline at points of origin and destination in connection with its regular-service route operations.

MC 48441 (Sub-63F), filed May 22, 1980. Applicant: R. M. E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 85 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *malt beverages*, from Detroit, MI, to points in IN, IL, KY, MO, OH, and WI. (Hearing site: Chicago, IL.)

MC 52750 (Sub-26F), filed May 12, 1980. Applicant: BLUE LINE TRANSPORTATION CO., INC., P.O. Box 11125, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210. Transporting *asphalt and asphalt products*, between points in OR, WA, CA and ID. (Hearing site: Portland, OR.)

MC 56640 (Sub-51F), filed May 12, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Krik Wm. Horton (same address as applicant). Transporting *foodstuffs and canned goods*, from the facilities of Ragu Foods, Inc., at or near Merced, CA, to points in WA. (Hearing site: San Francisco, CA, or Hartford, CT.)

MC 59640 (Sub-81F), filed May 13, 1980. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, 301 Blair Rd., Woodbridge, NJ 07095. *Contract carrier*, transporting *paperboard, in rolls, and disposable dishes, plates, and trays*, between Brentwood, NY, on the one hand, and, on the other, points in GA, IL, MA, NY, PA, and VT, under continuing contract(s) with Carnation Paper Products Corporation of Brentwood, NY. (Hearing site: Newark, NJ, or New York, NY.)

MC 60271 (Sub-15F), filed May 13, 1980. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts (same address as applicant). Transporting (1) *insulation products*, and (2) *products used in the manufacture of insulation and machinery*, from Grambling, LA, to Baton Rouge, Lake Charles, Monroe, and New Orleans, LA, and Natchez and Vicksburg, MS. (Hearing site: Monroe, LA, or Little Rock, AR.)

MC 61231 (Sub-173F), filed May 9, 1980. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *furnaces, air conditioners, solar collectors*, and *furnacepipe*, and (2) *accessories and parts* for the commodities named in (1) above, between the facilities of Lennox Industries, Inc. at Marshalltown and Des Moines, IA on the one hand, and, on the other, points in WI. (Hearing site: Kansas City, MO, or Dallas, TX.)

MC 61231 (Sub-174F), filed May 9, 1980. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting: *Iron and steel tubing* from Clinton, IA, to points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI and WY. (Hearing site: Chicago, IL.)

MC 61231 (Sub-175F), filed May 12, 1980. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting: *Such commodities* as are dealt in or used by grocery and food business houses (except in bulk), between Des Moines, IA, Champaign, IL, Green Bay, WI, Minneapolis, MN, Ft. Wayne, IN, and Xenia, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, MN, MO, NE, OH, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Super Valu Stores, Inc., or its subsidiaries, J. M. Jones Company and Preferred Products, Inc. (Hearing site: St. Paul, MN.)

MC 61231 (Sub-176), filed May 9, 1980. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting: *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 Jacobsen Warehouse Company, at Des Moines, IA, on the one hand, and, on the other, points in IL, IN, KS, MN, MO, NE, ND, SD and WI. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 65210 (Sub-3F), filed May 12, 1980. Applicant: SPARTA-LACROSSE TRUCK LINES, INC., RR 5, Box 468, Sparta, WI 54656. Representative: Joseph E. Ludden, 324 Exchange Bldg., LaCrosse, WI 54601. *Over regular routes*, transporting: *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 Sparta and Tomah, WI (1) from Sparta over WI Hwy 21 to junction WI Hwy 131, then over WI Hwy 131 to Tomah, serving the intermediate point of Tunnel City, WI, and (2) over U.S. Hwy 16, serving no intermediate points. (Hearing site: Madison, WI, or Minneapolis, MN.)

MC 71920 (Sub-7F), filed April 17, 1979, and previously noticed in **Federal Register** issue of October 16, 1979. Applicant: PROGRESSIVE TRANSPORTATION COMPANY, a corporation, 5455 Irwindale Ave., P.O. Box 2205, Irwindale, CA 91706. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *contractors and construction materials, equipment, and supplies* (except commodities in bulk, and cement), (1) between those points in and south of the northern boundaries of San Luis Obispo, Kern, Tulare, and San Bernardino Counties, CA, on the one hand, and, on the other, points in NV, and (2) between points in CA, restricted in (1) against the transportation of (a) lumber and wood products, from those points in CA specified above, to points in NV, and (b) gypsum and gypsum products, from Empire, NV, to those points in CA specified above. (Hearing site: Los Angeles, CA.)

Note.—This republication includes non radial portion of authority previously omitted from publication.

MC 75840 (Sub-136F), filed May 22, 1980. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *chemicals* (except in bulk), and *petroleum and petroleum products, in packages,* between those points in the U.S. in and east of WI, IL, KY, TN, MS, and LA, on the one hand, and, on the other, Good Hope, LA. (Hearing site: Birmingham, AL.)

MC 77061 (Sub-34F), filed May 5, 1980. Applicant: SHERMAN BROS., INC., 29534 Airport Road, P.O. Box 706, Eugene, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *scrap metals, crushed automobile bodies and automobile parts,* (1) from points in Washington, Payette, Gem, Canyon, Ada, Owyhee, Gooding, Lincoln, Elmore, Twin Falls, Cassia, Bonneville, Jerome, Blaine and Bannock Counties, ID to McMinnville and Portland, OR, and Vancouver, Tacoma and Seattle, WA, and (2) from points in Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Glenn and Butte Counties, CA, to McMinnville and Portland, OR. (Hearing site: Portland, OR, or Eugene, OR.)

MC 87861 (Sub-9F), filed May 12, 1980. Applicant: BDX INC., 4075 East 15th Place, P.O. Box 2600, Gary, IN 46403. Representative: Gregory S. Reising, 607 South Lake St., Gary, IN 46403. Transporting *iron and steel articles* and *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, between the facilities of United States Steel Corporation at or near Gary, IN and points in IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 87861 (Sub-10F), filed May 21, 1980. Applicant: BDX, INC., 4075 East 15th Place, P.O. Box 2600, Gary, IN 46403. Representatives: Reising and Mindel, Attorneys at Law, 607 South Lake Street, Gary, IN 46403, Phone: 219/938–8080. Transporting (1) *such commodities* as are used in the production of motor vehicles; (2) *iron and steel articles,* and (3) *aluminum products,* between Chicago, IL, on the one hand, and, on the other, points in IN. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 94430 (Sub-51F), filed May 13, 1980. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *sand* from Akron, OH, to points in IN, IL, MI, NY, PA, WI and WV. (Hearing site: Washington, DC, or Chicago, IL.)

MC 95540 (Sub-1162F), filed May 9, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *such commodities* as are dealt in or used by retail sewing centers, between points in AR, MA, VA, MN, CA, NJ, FL, NC, PA, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 95540 (Sub-1163F), filed May 16, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Florida 33802. Representative: Benjy W. Fincher (same address as applicant). Transporting *(1) textiles and textile products and (2) such commodities as are used in the manufacture and production of textiles and textile products;* between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Candlewick Yarns. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 106920 (Sub-98F), filed May 22, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery and food business houses, between Dorsey, MD, Indianapolis, IN, Lyons, IL, and Kansas City, KS, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM, restricted to traffic originating at or destined to facilities used by John Saxton & Co. (Hearing site: Chicago, IL.)

MC 111941 (Sub-35F), filed May 8, 1980. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *structural steel,* from the facilities of Bristol Steel and Iron Works, Inc. at (a) Chattanooga, TN, (b) Bristol and Richond, VA, and (c) Birmingham, AL, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OK, PA, OH, RI, SC, SD, TN, TX, VT, VA, WV, WI, and WY; and (2) *materials, equipment and supplies used in the manufacture and distribution of structural steel,* in the reverse direction. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 112750 (Sub-356F), filed May 22, 1980. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). *Contract carrier,* transporting *commercial papers, documents and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) between Kingsport, TN, on the one hand, and, on the other, points in Lee, Russell, Smyth, Washington, Wise, and York Counties, VA, and (2) between Middlesboro, Ky, on the one hand, and, on the other, Knoxville, TN, under continuing contract(s) with numerous named banking institutions. (Hearing site: Washington, DC, or Frankfort, KY.)

MC 112851 (Sub-9F), filed January 17 1980, and previously noticed in **Federal Register** issue of April 3, 1980, and republished this issue. Applicant: GEORGE B. REYNOLD, d.b.a. REYNOLDS TRUCKING COMPANY, R.R. 1, Crawfordsville, IN 47933. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *clay products,* from Brazil, IN, to points in IA, IL, MI, and KY. This republication shows IA, as a destination State. (Hearing site: Columbus, OH, or Indianapolis, IN.)

MC 114121 (Sub-5F), filed May 13, 1980. Applicant: SUPERIOR CARTAGE OF WASHINGTON, INC., 400 SW 34th Street, Renton, WA 98055. Representative: David M. Westurn, P.O. Box 60100, Terminal Annex, Los Angeles, CA 90060. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and commodities requiring special equipment), between points in WA, restricted to traffic moving on bills of lading of freight forwarders. (Hearing site: Los Angeles, CA, or Seattle, WA.)

MC 114211 (Sub-464F), filed May 5, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers or distributors of agricultural and industrial equipment and machinery between Alva, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Oklahoma City, OK, or Wichita, KS.)

MC 114211 (Sub-467F), filed May 8, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *contractors'*

equipment, materials and supplies (except commodities in bulk), between points in Webb, Hidalgo, Cameron, Maverick, Starr, Zapata, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Hudspeth, and El Paso Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Chicago, IL.)

MC 114211 (Sub-468F), filed May 21, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by agricultural equipment and industrial equipment dealers and manufacturers (except commodities in bulk), between points in Kay County, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Dodge City or Garden City, KS.)

MC 115001 (Sub-10F), filed May 12, 1980. Applicant: WESTERN OIL TRANSPORTATION COMPANY, INC., P.O. Box 1183, Houston, TX 77001. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Transporting *Crude oil, condensate, and water,* in bulk, in tank vehicles, (1) between points in AL, AR, FL, MS, and (2) between points in AL, AR, FL, and MS, on the one hand, and, on the other, points in LA. (Hearing site: Dallas, or Houston, TX.)

MC 115311 (Sub-393F), filed May 9, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting (1)(a) *boards, (b) materials, equipment, supplies and accessories* used in the manufacture, distribution and installation of boards, and (2)(a) *refractories* (b) *materials, equipment, supplies* and accessories used in the manufacture, distribution and installation of refractories between those points in the U.S. in and east of TX, OK, KS, NE, SD and ND, restricted to traffic originating at or destined to the facilities used by Grefco, Inc., a subsidiary of General Refractories Company and U.S. Refractories Division General Refractories Company. (Hearing site: Atlanta, GA or Philadelphia, PA.)

MC 115311 (Sub-394F), filed May 12, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *Turbines, feedwater, heaters and steam condensers,* and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture, distribution and installation and operation of turbines, feedwater heaters and steam condensers, between points in Delaware County, PA and Charlotte, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Philadelphia, PA.)

MC 115311 (Sub-396F), filed May 22, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *lumber, lumber products, composition board, poles, piling, pallets, timbers, crossties, dowels, beams, woodpulp, paper and paper products, plastic and plastic articles,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above (except in bulk, in tank vehicles), between points in the U.S. (except AK and HI). (Hearing site: Atlanta, GA.)

MC 115331 (Sub-545F), filed May 20, 1980. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. Transporting (1) *chemicals, plastic articles, plastic materials, and liquid plastics,* (except commodities in bulk and those requiring special equipment), and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Amoco Chemicals Corporation. (Hearing site: Chicago, IL or Washington, DC.)

MC 115430 (Sub-1F), filed May 19, 1980. Applicant: GOBEL FREIGHT LINES, INC., 120 West Madison St., Chicago, IL 60603. Representative: Edward H. Instenes, 128½ Plaza East, P.O. Box 676, Winona, MN 55987. *Contract carrier,* transporting *malt beverages* from LaCrosse, WI, to the facilities of Southwest Beer Distributors at or near Crestwood, IL, under continuing contract(s) with Southwest Beer Distributors, Inc., of Crestwood, IL. (Hearing site: La Crosse, WI, or Minneapolis, MN.)

MC 115651 (Sub-87F), filed May 9, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., Rockford, IL 61102. Representative: E. Stephen Heisley, 666—11th St., Washington, DC 20001. Transporting *asphalt and asphalt products,* in bulk, in tank vehicles, from East Chicago, IN to points in WI. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 115651 (Sub-88F), filed May 7, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., Rockford, IL 61102. Representative: E. Stephen Heisley, 666—11th St., Washington, DC 20001. Transporting *fertilizer* and *fertilizer materials,* in bulk, in tank vehicles, from Peru, IL, to points in WI. (Hearing site: Chicago, IL or Milwaukee, WI.)

MC 116300 (Sub-79F), filed May 21, 1980. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting: *Fertilizer and fertilizer ingredients,* from Jackson, MS, to points in AL, AR, LA, TN, and TX. (Hearing site: Jackson, MS.)

MC 116300 (Sub-80F), filed May 21, 1980. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting (1) *treated poles, posts, pilings, lumber, and timbers,* (2) *dragline mats, scaffolds, untreated lumber,* and (3) *materials and supplies dealt in by wood treating, processing and fabricating-assembly plants,* between points in Iberia Parish, LA, and points in AL, LA, MS, and TX. (Hearing site: New Orleans, LA.)

MC 116300 (Sub-81F), filed May 21, 1980. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *salt cake,* from Weeks Island, LA, to points in AR. (Hearing site: New Orleans, LA.)

MC 119700 (Sub-70F), filed May 14, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *iron and steel articles,* from the facilities of LaBarge Tubular Division at (1) Memphis, TN, (2) Houston, TX, and (3) Bellevue, OH, to points in IN, OH, MI, KY, TN, LA, AR, OK, KS, MO, IL, IA, MN, and WI. (Hearing site: St. Louis, or Kansas City, MO.)

MC 119700 (Sub-71F), filed May 14, 1980. Applicant: STEEL HAULERS, INC, 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *structural steel or fabricated iron or steel products,* from the facilities of Lacy

Steel Co., Inc., at or near Lawrence, KS, to points in AR, CO, IA, IL, IN, LA, MI, MN, MO, MS, NE, ND, OH, OK, SD, TN, TX, WI and WY. (Hearing site: Kansas City, MO.)

MC 119741 (Sub-267F), filed May 12, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *such merchandise as is dealt in or used by retail or variety and department stores (except foodstuffs and commodities in bulk),* between the facilities of Ardan, Inc. at Des Moines, IA and Naum Bros. Inc., at Rochester, NY, on the one hand, and, on the other, 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, MY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Des Moines, IA.)

MC 121081 (Sub-4F), filed May 7, 1980. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *non-alcholic beverages,* in containers, (a) from Charlotte, Greensboro, and Raleigh, NC to points in FL, GA, MD, PA, SC, TN, and VA, (b) from points in FL to Charlotte, Greensboro, and Raleigh, NC, (2) *materials, equipment and supplies used in the production, distribution, and sale of non-alcoholic beverages, except in bulk,* from points in FL, GA, MD, PA, SC, TN, and VA to Charlotte, Greensboro, and Raleigh, NC, (3) *glass containers,* from Charlotte, NC to Savannah, GA, (4) *plastic containers,* (a) from Charlotte, NC, to points in GA, MD, PA, SC, TN, and VA, (b) from Mauldin, SC, to points in GA, NC, and TN, (c) from Havre de Grace, MD, and New Stanton, PA, to points in NC, SC, and VA, (5) *plastic container parts, equipment, and materials and supplies used in the distribution of plastic containers,* from points in GA, MD, NC, PA, SC, TN, and VA to Charlotte, NC and Mauldin, SC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 121450 (Sub-13F), filed May 12, 1980. Applicant: McCOMAS TRUCK LINES, INC., 604 N. Second Street, Chickasha, OK 73018. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036. *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Wichita Falls and Graham, TX, from Wichita Falls over U.S. Hwy 281 to junction U.S. Hwy 380, then over U.S. Hwy 380 to Graham, and return over the same route, serving all intermediate points and the off-route points of Jean, Jermyn, Loving and Markley, TX, and (2) between Wichita Falls and Electra, TX, from Wichita Falls over U.S. Hwy 82 to junction TX Hwy 25, then over TX Hwy 25 to Electra, and return over the same route, serving all intermediate points. (Hearing site: Wichita Falls, TX.)

MC 121821 (Sub-9F), filed May 9, 1980. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Over *regular routes* transporting *general commodities* (except those those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Knoxville, TN, and Tiptonville, TN, from Knoxville over Interstate Hwy 40 to its junction with U.S. Hwy 641, then over U.S. Hwy 641 to Camden, TN, then over U.S. Hwy 70 to Huntington, TN, then over U.S. Hwy 70A to Atwood, TN, then over TN Hwy 104 to Dyersburg, TN, then over TN Hwy 78 to Tiptonville, and return over the same routes, serving (a) Dyersburg and Ridgely, TN as intermediate points, (b) Rutherford, Dyer, Bradford and Milan, TN, as off-route points, and (c) Nashville, TN, as an intermediate point for the purpose of joinder only, and (2) between Chattanooga, and Nashville, TN, over Interstate Hwy 24, serving Nashville, TN, for purpose of joinder with Route 1 only, and restricted against traffic moving between Nashville and Chattanooga, TN. (Hearing site: Nashville, TN.)

MC 124170 (Sub-151F), filed May 9, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting: *general commodities* (except classes A and B explosives, commodities in bulk, commodities which because of size or weight require special equipment and household goods as defined by the Commission) between points in the U.S. (except AK and HI) restricted to traffic originating at or destined to the facilities of Dry Storage Corporation at or near Chicago, IL. (Hearing site: Chicago, IL or Washington, DC.)

MC 124511 (Sub-62F), filed May 1, 1980. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting: *iron and steel articles,* from Chicago, IL to Independence, MO. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 125751 (Sub-6F), filed May 8, 1980. Applicant: H&W CARRIERS, INC., Box 73, Camargo, IL 61919. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *corn products and soybeans products* (except in bulk), (1) between Decatur and Galesburg, IL, and Morrisville, PA, and (2) from Decatur and Galesburg, IL and Morrisville, PA, to points in IL, IN, IA, KY, MI, MO, NY, OH, PA, and WI, restricted to traffic originating at or destined to the facilities of A. E. Staley Manufacturing Company. (Hearing site: Chicago, IL or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 125751 (Sub-7F), filed May 12, 1980. Applicant: H&W CARRIERS, INC., Box 73, Camargo, IL 61919. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *beer,* from Ft. Wayne, IN, Detroit, MI, St. Paul and Minneapolis, MN, Secaucus, NJ and Cincinnati, OH to Champaign, Mattoon and Springfield, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 126930 (Sub-42F), filed May 9, 1980. Applicant: BRAZOS TRANSPORT CO., a corporation, P.O. Box 2746, Lubbock, TX. 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *plastic pipe* (1) from Sparta, TN, and Magnolia, AR, to points in AL, MS, LA, AR, TX, OK, MO, KS, IL, WI, IA, NE and MN; (2) from Rolla, MO to points in TN. (Hearing site: Fort Worth or Lubbock, TX.)

MC 126930 (Sub-43F), filed May 12, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *iron and steel articles,* from points in TX, to points in NM, OK, LA, MS, AR, MO, KS, CO, NE, SD, ND, MN, WI, IA, IL, TN, and AL, restricted to movement of material owned by Southern Bleacher Co. (Hearing site: Dallas or Lubbock, TX.)

MC 126930 (Sub-44F), filed May 12, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *knocked-down steel buildings* and *parts, accessories and supplies* used in the manufacture, distribution and installation of knocked-down steel buildings, between the facilities of American Steel Building Company, Inc., at (a) Houston, TX, and

(b) Aurora, CO, on the one hand, and, on the other, points in TX, OK, CO, AR, LA, MS, AL, KS, MO, IL, IA, NE, TN, MN, WI, ND, SD, and NM. (Hearing site: Houston, or Dallas, TX.)

MC 126930 (Sub-45F), filed May 9, 1980. Applicant: BRAZOS TRANSPORT CO., a corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *insulation board*, from the facilities of Rmax, Inc., at Dallas, TX, to points in AR, LA, OK, KS, MO, IA, NE, MI, WI, MN, NM, IL, IN and CO. (Hearing site: Dallas or Lubbock, TX.)

MC 126930 (Sub-46F), filed May 9, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *knocked-down steel buildings* and *parts, accessories* and *supplies* used in the manufacture, distribution and installation of steel buildings, between the facilities of Delta Steel Building, Inc., at Dallas, TX, on the one hand, and, on the other, points in NM, OK, LA, MS, AR, MO, KS, CO, NE, SD, ND, MN, WI, IA, IL, TN, AL, TX and WY. (Hearing site: Dallas or Lubbock, TX.)

MC 126930 (Sub-47F), filed May 19, 1980. Applicant: BRAZOS TRANSPORT CO., a corporation. Representative: Richard Hubbert, Simms, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408. Transporting *iron and steel articles* from the facilities of International Steel Fabrications, Inc., at Houston, TX, to points in OK, LA, MS, AR, MO, KS, CO, NE, SD, ND, NM, MN, WI, IA, IL, TN, AL, and TX. (Hearing site: Houston or Dallas, TX.)

MC 127690 (Sub-1F), filed May 9, 1980. Applicant: MONTANA TRANSPORT COMPANY, A corporation, P.O. Box 860, Billings, MT 59103. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Transporting *hides*, between points in the U.S. (except AK and HI). (Hearing site: Billings, MT. or Spokane, WA.)

MC 128270 (Sub-48F), filed May 14, 1980. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley St., Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. Transporting *Marine engines* and *engine parts* and *accessories*, between points in OK, WI, and IL. (Hearing site: Chicago, IL.)

MC 128290 (Sub-10F), filed May 12, 1980. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Transporting (1) *canned goods, pallets, glassware, and cans,* from points in Berkeley and Jefferson Counties, WV, and those in Frederick, Clarke, Warren, Shenandoah, and Rockingham Counties, VA, to points in OH, WV, PA, MD, DE, NJ, NY, CT, MA, RI, and VA and (2) *glass containers, caps and closures, cardboard cartons and dividers, glue in drums, sugar in bags, containers, and labels* from the destination states named in (1) above and from the states of NC, SC, and GA, to the origin counties named in (1) above. (Hearing site: Washington, DC.)

MC 128460 (Sub-6F), filed May 22, 1980. Applicant: CENTRAL AIR FREIGHT SERVICES, INC., 29 West Green Street, Hazleton, PA 18201. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. 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 Stewart Field Airport (Orange County), NY, on the one hand, and, on the other, points in Montour, Luzerne, Lackawanna, Columbia, Schuykill, Northumberland, Carbon, Sullivan, Wyoming, Pike, and Monroe Counties, PA,and (2) *wearing apparel, and materials and supplies used in the manufacture of wearing apparel,* between Gratz, PA, on the one hand, and, on the other, John F. Kennedy International Airport at New York, NY, Newark Airport at Newark, NJ, Philadelphia International Airport at Philadelphia, PA, restricted in (1) and (2) above to traffic having an immediately prior or subsequent move by air. (Hearing site: Philadelphia, PA.)

MC 128860 (Sub-19F), filed May 14, 1980. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *malt beverages,* and *malt beverage dispensing equipment,* in mixed loads with malt beverages, from La Crosse, WI, and St. Paul, MN, to points in MD, NJ, NY, and PA, under continuing contract(s) with G. Heileman Brewing Company, Inc., of La Crosse, WI. (Hearing site: La Crosse, WI.)

MC 129420 (Sub-4F), filed May 8, 1980. Applicant: LILE INTERNATIONAL COMPANIES, a Corporation, 15605 S.W. 72nd Ave., Tigard, OR 97223. Representative: Robt. R. Hollis, 400 Pacific Bldg., Portland, OR 97204. Transporting: *household goods* as defined by the Commission and *new furniture* between points in WA, OR, ID, MT, UT, NV, AZ, WY, NM, CO and CA. (Hearing site: Portland, OR or Seattle, WA.)

MC 134300 (Sub-49F), filed May 12, 1980. Applicant: TRIPLE R EXPRESS, INC., 498 First Street NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *cloth, dry goods, and fabric,* from points in CT, GA, KY, NJ, NY, NC, PA, SC, VA, and WV, to Minneapolis, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 134440 (Sub-1F), filed May 1, 1980. Applicant: LA VENTURE BROS. TRANSFER, d.b.a. LA VENTURE BROS. TRANSFER AND LA VENTURE BROS. VAN LINES, P.O. Box 119, Maywood, CA 90270. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036. Transporting: *household goods* as defined by the Commission (1) between points in CA, ID, OR, and WA, (2) between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, MO, NE, OK, TN, and TX. (Hearing site: Los Angeles, CA.)

MC 135070 (Sub-166F), filed May 9, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: (1) *blank sound recording tapes, blank computer recording discettes, silver oxide batteries, alkaline and non-alkaline batteries;* and (2) *materials, equipment and supplies* used in the distribution of the commodities named in (1), above, from Moonachie, NJ, to points in GA, IL, KY, MI, MN, TX, and WI. (Hearing site: New York City, NY, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-167F), filed May 9, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting: *such commodities* as are dealt in or used by health and beauty aide distributors and wholesalers, from Detroit, MI, to those points in the U.S. in and east of CO, MT, NM, and WY. (Hearing site: Detroit, MI, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-168F), filed May 9, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *filter parts,* from Holbrook, MA, to Albion and West Salem, IL. (Hearing site: St. Louis, IL, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135121 (Sub-5F), filed May 15, 1980. Applicant: DODSWORTH, INCORPORATED, 928 West 19th St., P.O. Box 366, Erie, PA 16512. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036. Transporting: *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Erie, Crawford, Venango, and Warren Counties, PA, Ashtabula County, OH, and Chautauqua County, NY, on the one hand, and, on the other, points in NY, OH, PA, MD, MI, IL, IN, and WV. (Hearing site: Erie, PA, or Cleveland, OH.)

MC 135221 (Sub-22F), filed May 14, 1980. Applicant: DICK SIMON TRUCKING, INC., P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. Transporting (1) *toilet preparations*, and *soap*, from Burbank, CA to points in WA, OR, CO, ID, MT, NV, WY, UT, AZ, NM and TX; and (2) *materials, equipment, and supplies* used in the manufature and distribution of toilet preparations and soaps (except commodities in bulk), from Des Plaines, IL and Cincinnati, OH to Burbank, CA. (Hearing site: Salt Lake City, UT.)

MC 135241 (Sub-5F), filed May 12, 1980. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 13635 S.W. Edy Road, Sherwood, OR 97140. Representative: John A. Anderson, Suite 1440, 200 S.W. Market St., Portland, OR 97201. *Contract carrier*, transporting *diatomaceous earth*, in bags, from the facilities of Southern Clay of California, Inc., a subsidiary of Lowes, Inc., at or near Maricopa, CA, to points in OR, WA, ID, UT, NV, AZ, NM, CO, WY and MT, under continuing contract(s) with Southern Clay of California, Inc., a subsidiary of Lowes, Inc., South Bend, IN. 46601. (Hearing site: Portland, OR.)

MC 135410 (Sub-101F), filed May 9, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *garments* from the facilities of The Miller-Wohl Company, Incorporated at Secaucus, NJ to points in IL, IN, MI and OH, restricted to traffic originating at the named origin. (Hearing site: New York, NY or Washington, DC.)

MC 135861 (Sub-77F), filed May 5, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. *Contract carrier*, transporting *confectionery*, from the facilities of R. M. Palmer Co., at or near West Reading, PA to points in AR, CO, LA, MO, NM, OK, TN and TX, under continuing contract(s) with R. M. Palmer Co., of West Reading, PA. (Hearing site: Fort Worth, TX.)

MC 136511 (Sub-101F), filed May 14, 1980. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *meats and meat products*, from Folcroft, PA, to points in NC. (Hearing site: Washington, DC.)

MC 138000 (Sub-70F), filed May 9, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *synthetic yarn and empty beams and racks*, between Meadville and Lewiston, PA, on the one hand, and, on the other, points in NC, SC, GA, AL and VA. (Hearing site: Valley Forge, PA.)

Note.— Dual operations may be involved.

MC 138960 (Sub-18F), filed May 8, 1980. Applicant: ROKO EXPRESS, INC., P.O. Box 169, 819 West Fifth Ave., Columbus, OH 43212. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by food business houses, between the facilities of Savannah Foods & Industries, Inc., and Transales Corporation in Chatham County, GA, on the one hand, and, on the other, points in IL, MI, MO, OH, and WI, restricted to traffic originating at or destined to the named facilities. (Hearing site: Columbus, OH, or Savannah, GA.)

MC 139380 (Sub-7F), filed May 21, 1980. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: Donald L. Smith (same address as applicant). Transporting *wine and brandy* from Modesto, CA, to points in ID, OR, NV and WA. (Hearing site: San Francisco, CA, or Portland, OR.)

Note.— Dual operations and common control may be involved.

MC 141121 (Sub-3F), filed May 8, 1980. Applicant: MENSCH TRUCKING, INC., P.O. Box 22, Milton, PA 17847. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by wholesale, retail and chain grocery and food business houses (except commodities in bulk and those which because of size or weight require the use of special equipment), between points in Columbia, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Montour, Northumberland, Schuylkill, Snyder, Union, and York Counties, PA, on the one hand, and, on the other, points in NY. (Hearing site: Philadelphia, PA.)

MC 142390 (Sub-6F), filed May 8, 1980. Applicant: TRANSIT MOVING INC., P.O. Box 1787, Iowa City, IA 52240. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Contract carrier*, transporting *expanded plastic articles* (except commodities in bulk), in shipper-owned or shipper-leased trailers, From Chicago, IL, to Milford, Ia, Detroit and Kalamazoo, MI, Binghampton, NY, Rarden, OH, Philadelphia and Pittsubrgh, PA, under constract(s) with Clark Crain Foam Industries, Inc., of Chicago, IL. (Hearng site: Chicago, IL.)

MC 142830 (Sub-5F), filed May 20, 1980. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Contract carrier*, transporting (1) *plastic, vinyl, nylon and foam products with accessories; clothing, candles and accessories, greeting and note cards, cleaning compounds, cloth and other novelty items* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities listed in (1) above (except commodities in bulk), between Anniston, AL, Greensburg, KY, Springfield and Knoxville, TN, and Mission, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Nasco, Inc., of Springfield, TN. (Hearng site: Nashville, TN.)

Note.—Dual operations may be involved.

MC 142941 (Sub-66F), filed May 19, 1980. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: Doug W. Sinclair (same as applicant). Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Louisville, KY, to points in the United States (except AK and HI). (Hearng site: Louisville, KY, or Phoenix, AZ.)

MC 142941 (Sub-67F), filed May 22, 1980. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716,

Phoenix, AZ 85005. Representative: Doug W. Sinclair (same address as applicant). Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeratio, from points in CA, OR, and WA to points in AZ. (Hearing site: Seattle, WA, or Phoenix, AZ.)

MC 143621 (Sub-51F), filed May 21, 1980. Applicant: TENNESSEE STEEL HAULERS, INC., P.O. Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *lumber* (1) from points in AR, LA, and MS to Russellville, AL, and (2) from Russellville, AL, to points in AR, FL, GA, IL, IN, KY, MS, MO, OH, PA, TN, TX, and WI. (Hearing site: Nashville, TN, or Washington, DC.)

MC 143681 (Sub-4F), filed May 12, 1980. Applicant: S & S CONTRACT CARRIERS, INC., P.O. Box 497, Royse City, TX 75089. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Contract carrier,* transporting (1) *lighting fixtures,* and (2) *glassware, parts* and *materials* used in the manufacture and distribution of lighting fixtures, (a) from Cowpens, SC, to Linden, NJ, Philadelphia, PA, Memphis, TN, and Dallas, Fort Worth and Grand Prairie, TX, (b) from Philadelphia, PA, and Linden, NJ, to Dallas, Fort Worth and Grand Prairie, TX, and (c) from Decatur, TX, to Cowpens, SC, under continuing contract(s) with Progress Lighting Div. Kidde Consumer Durables Corp., of Philadelphia, PA. (Hearing site: Fort Worth, TX.)

MC 144041 (Sub-45F), filed May 14, 1980. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: Mark S. Gray, P.O. box 872, Atlanta, GA 30301. Transporting *such commodities as are dealt in or used by manufacturers and distributors of electrical appliances,* between the facilities of Hamilton Beach Division-Scoville, Inc., at or near Washington, Clinton, and Farmville, NC, and Byesville, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Hamilton Beach Division-Scoville, Inc. (Hearing site: Atlanta, GA.)

MC 144081 (Sub-3F), filed May 19, 1980. Applicant: D. W. STACY, CO., INC., 100 North Bivens Road, P.O. Box 15, Monroe, NC 28110. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier,* transporting *towels,* between (1) the facilities of R. A. Briggs & Co., Inc, at or near Lake Zurich, IL, on the one hand, and, on the other, the shippers and contractors of R. A. Briggs & Co., Inc., at points in GA, NC, CS, AL, and PA, and (2) the facilities of the suppliers and contractors of R. A. Briggs & Co., Inc., at points in GA, NC, SC, AL, and PA, under continuing contract(s) with R. A. Briggs & Co., Inc., of Lake Zurich, IL. (Hearing site: Charlotte, NC.)

MC 144630 (Sub-47F), filed May 21, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *automotive and truck parts, and materials, equipment and supplies used in the manufacture and distribution thereof,* between the facilities of Arvin Automotive at or near Indianapolis, IN, on the one hand, and, on the other, Edison NJ, Carson, CA, and Dallas, TX. (Hearing site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 144761 (Sub-7F), filed May 22, 1980. Applicant: R. B. (PARKER) GOODLOE d.b.a. GOODLOE TRUCKING CO. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408. Transporting *vegetable oils* between points in TX and LA. (Hearing site: Houston, TX, or Atlanta, GA.)

MC 145150 (Sub-7F), filed May 22, 1980. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *liquid fertilizer solutions,* from the facilities of Chevron Chemical Co. at or near Friend, KS, to points in CO, NE, OK, NM, and TX. (Hearing site: Undisclosed.)

MC 145150 (Sub-13F), filed May 13, 1980. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *denatured alcohol* from the facilities of Midwest Solvents Co., Inc., at Atchinson, KS, to points in AR, CO, IA, IL, MO, NE, OK, and TX. (Hearing site: Kansas City, MO.)

MC 145150 (Sub-16F), filed May 22, 1980. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *dry urea and urea liquor,* from the facilities of Cominco American, Inc., at or near Borger, TX, to points in CO, KS, OK, NE, and NM. (Hearing site: Kansas City, MO.)

MC 145190 (Sub-5F), filed May 9, 1980. Applicant: D. A. D. TRANSPORT CORP., 3832 New Cummings Rd., Chattanooga, TN 37409. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by grocery and food business houses, discount department stores, and chain drug stores (except commodities in bulk), between Chattanooga, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Atlanta, GA, or Chicago, IL.)

Note.—The authority granted is subject to coincidental cancellation of permit No. MC-142753 Sub 1 at applicant's written request.

MC 145220 (Sub-15F), filed May 20, 1980. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *fruit juice, fruit juice concentrate, d'limonene, and fruit oil,* in bulk, in tank vehicles, between points in FL, on the one hand, and, on the other, points in TX and those in the U.S. in and east of WI, IL, MO, AR, and LA. (Hearing site: Orlando, FL.)

Note.—Dual operations may be involved.

MC 145220 (Sub-16F), filed May 20, 1980. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *alcohol,* in bulk, in tank vehicles, from Muscatine, IA, to Charlotte, NC. (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 145441 (Sub-114F), filed May 1, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Ralston Purina Company. (Hearing site: Little Rock, AR, or St. Louis, MO.)

Note.—Dual operations may be involved.

MC 145500 (Sub-4F), filed March 3, 1980. Applicant: EAST TEXAS CARTAGE COMPANY, 3300 West Front Street, Tyler, TX 75711. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B

explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dallas and Mt. Pleasant, TX, over Interstate Highway 30, serving all intermediate points except Greenville and Sulphur Springs, and serving the off-route point of Winnsboro, TX, and (2) from and to Mt. Pleasant, TX, from Mt. Pleasant over Texas Hwy 49 to Daingerfield, then over US Hwy 259 to Cedar Springs, then over Texas Hwy 155 to Gilmer, and then over US Hwy 271 to Mt Pleasant, serving all intermediate points. (Hearing site: Mt. Pleasant, or Tyler, TX.)

Note.—Applicant intends to tack the sought rights to its existing authority.

MC 145560 (Sub-10F), filed November 13, 1979, and previously noticed in **Federal Register** issue of March 20, 1980. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers and distributors of candy (except commodities in bulk), (1) between the facilities of American Candy Manufacturing Company, Inc., at or near Selma, AL, on the one hand, and, on the other, points in the U.S. (except AK, AZ, CA, CO, HI, ID, OR, UT, and WA), and (2) from points in AZ, CA, CO, ID, OR, UT, and WA, to the facilities of American Candy Manufacturing Company, Inc., at or near Selma, AL, under continuing contract(s) with American Candy Manufacturing Company, Inc., of Selma, AL. (Hearing site: Birmingham, AL.)

Note.—This republication clarifies territorial description. Dual operations may be involved.

MC 145791 (Sub-2F), filed May 7, 1980. Applicant: JAMES B. MILLER, d.b.a. J. B. MILLER ENTERPRISES, 405 Hansen Ave., Butler, PA 16001. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Contract carrier,* transporting *toilet preparations, household and industrial cleaning products, brooms, brushes, mops, insect repellants, grooming aids, food products, clothes hangers, medicated sprays and promotional materials* (except commodities in bulk), between Butler, PA, on the one hand, and, on the other, those points in WV on and north of US 50, and those points in PA, on and west of US Hwy 15, under continuing contract(s) with The Fuller Brush Co., of Great Bend, KS. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 145930 (Sub-8F), filed May 12, 1980. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting (1) *refractory materials,* from the facilities of BMI, Inc., and its subsidiaries at or near (a) Crown Point, IN, (b) South Rockwood, MI, (c) Pedro, South Webster and Youngstown, OH, and (d) Carnegie, PA, to points in AL, IN, IL, KY, MI, MO, NY, OH, PA, and WV, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in AL, AR, GA, IL, IN, IA, KY, MI, MO, NY, OH, PA, WV, and VA, to the above-named facilities. (Hearing site: Toledo, OH, or Washington, DC.)

MC 145940 (Sub-1F), filed May 20, 1980. Applicant: DIXIE REFRIGERATED, INC., P.O. Box 2163, Mobile, AL 36601. Representative: James David Mills, P.O. Box 2664, Mobile, AL 36601. Transporting *such commodities as are dealt in by retail discount stores,* between the facilities of Dixie Refrigerated, Inc., in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, the facilities of Howard Brothers Discount Stores, Inc., at Monroe, LA. (Hearing site: Mobile, AL.)

MC 146010 (Sub-3F), filed July 23, 1979. Applicant: FREEMAN COLE AND BILLY G. HALL d.b.a. COLE AND HALL TRUCKING CO., a partnership, P.O. Box 507, Camden, TN 38320. Representative: Abraham A. Diamond, 29 S. LaSalle St., Chicago, IL 60603. Transporting *silica sand and natural bonded molding sand,* in dump and tank vehicles, in bulk, from points in Benton County, TN to points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MI, MO, MS, OH, PA, TN, TX and WI. (Hearing site: Nashville, TN.)

MC 146451 (Sub-27F), filed May 14, 1980. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36197. Transporting *pet food and animal and poultry feed* (except in bulk), between the facilities of Hubbard Milling Company, at or near Louisville, KY, on the one hand, and, on the other, points in AL, VA, WV, IA, OH, and Chicago, IL. (Hearing site: Louisville, KY.)

MC 146551 (Sub-9F), filed May 22, 1980. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285, Grand Rapids, OH 43522. Representative: Tommy R. Taylor (same address as applicant). Transporting (1) *janitorial supplies and starches,* and (2) *equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), and plastic bottles,* between the facilities of Purex Corporation at (a) Toledo and London, OH, (b) St. Louis, MO, (c) Chicago, IL, and (d) Philadelphia, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Cleveland, or Columbus, OH.)

MC 146590 (Sub-5F), filed May 5, 1980. Applicant: JOSEPH R. PROSTKO, 1300 Island Ave., McKees Rocks, PA 15136. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Contract carrier,* transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between those points in the U.S. in and east of MT, WY, CO, and NM, under continuing contract(s) with Calgon Corporation of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 146840 (Sub-5F), filed May 8, 1980. Applicant: BOYCHUKS' TRANSPORT, LTD., P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Richard S. Mandelson, 1660 Lincoln St., Denver, CO 80203. Transporting *new furniture and materials, equipment and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), from ports of entry on the international boundary line between the U.S. and Canada at points in IL, WI, MN, ND, MT, ID, and WA, to those points in the U.S. in and west of WI, IL, MO, AR, and LA (except AK and HI). (Hearing site: Great Falls, MT.)

MC 146991 (Sub-4F), filed May 14, 1980. Applicant: SILICA SAND TRANSPORT, INC., Box 208, Routes 47 & 71, Yorkville, IL 60560. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601. Transporting *sand,* from Bridgman, MI and Michigan City, IN, to points in the U.S. (except AK and HI), restricted to traffic originating at the facilities of Martin Marietta Corp., at or near Bridgman, MI, and Michigan City, IN. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 147010 (Sub-2F), filed May 12, 1980. Applicant: WHALEN TRUCKING, INC., 301 Prairie, Waverly, IL 62692. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *anhydrous ammonia,* from (a) Louisiana, MO, to points in IL, (b) Meredosia, IL and Ft. Madison, IA, to points in MO, (c) East Dubuque, IL, to points in WI, and (d) Meredosia, IL, to points in IA, and (2) *liquid fertilizer,* from (a) Louisiana, MO, to points in IL, (b) Meredosia, IL and Ft. Madison, IA, to points in MO, and (c) East Dubuque, IL,

to points in WI, and (3) *dry fertilizer*, from (a) Springfield, IL, to points in IN, IA, KY, MO, OH, and WI, and (b) Louisiana, MO, to points in IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 147710 (Sub-2F), filed May 19, 1980. Applicant: ACE CAB OF ELKHART, INC., 300 East High Street, Elkhart, IN 46514. Representative: WILLARD CHESTER, CHESTER & PAULEN, 317 West Franklin Street, P.O. Box 1261, Elkhart, IN 46514. *Contract carrier*, transporting *train crews and their baggage*, in special and charter operations, between points in Elkhart County, IN, on the one hand, and, on the other, points in IL, IN, MI, and OH, under continuing contract(s) with Consolidated Rail Corporation, of Elkhart, IN. (Hearing site: Chicago, IL, or South Bend, IN.)

MC 147851 (Sub-7F), filed May 8, 1980. Applicant: KWESVA, INC., 4000 Lambert Ave., Louisville, KY 40218. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, Ky 40602. Transporting *alcoholic beverages*, in containers (except malt beverages and commodities in bulk), from the facilities of National Distillers Products Company in Franklin County, KY, to ponts in Kanawha County, WV. (Hearing site: Louisville or Frankfort, KY.)

MC 147911 (Sub-3F), filed May 14, 1980. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37419. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting: *Glues and adhesives and materials, supplies and equipment used in the manufacture and sale of same* (except commodities in bulk), between the facilities of Tennessee Adhesives and Chemical Corp. at or near Murfreesboro, TN, on the one hand, and, on the other points in and east of TX, OK, KS, NB, ND, and SD. (Hearing site: Murfreesboro, TN.)

MC 147941 (Sub-5F), filed May 9, 1980. Applicant: WAYNE MOLES TRUCKING CO., 1313 Southwest 3rd St., Oklahoma City, OK 73108. Representative: Wayne Moles (same address as applicant). Transporting *such commodities* as are dealt in and used by (1) grocery and food business houses and feed businesses, and (2) manufacturers and distributors of soy products, paste, flour products, and pet food (except in bulk), between the facilities of Ralston Purina Company at or near Oklahoma City, OK, on the one hand, and, on the other, points in AR, LA, and TX. (Hearing site: Oklahoma City, OK, or Fort Worth, TX.)

MC 148200 (Sub-4F), filed May 20, 1980. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: John R. Bagileo, 918 16th St. NW., Washington, DC 20006. *Contract carrier*, transporting (1) *acetylene cylinders*, from Milwaukee, WI, and Toledo, OH, to Indianapolis, IN, and (2) *medical supplies*, between Memphis, TN, and Indianapolis, IN, under continuing contract(s) with Union Carbide Corporation, of New York, NY. (Hearing site: Washington, DC, or Indianapolis, IN.)

MC 148241 (Sub-1F), filed May 1, 1980. Applicant: W. D. HODGE, d.b.a. INDEPENDENT TRANSFER, Box 183, Sumter, SC 29150. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting: *Electric and diesel motors and equipment*, between Sumter, SC and points in the U.S. (except AK and HI). (Hearing site: Columbia, SC.)

MC 148360 (Sub-8F), filed May 20, 1980. Applicant: PDR TRUCKING, INC., 6048 South York Road, Highway 21 South, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Contract carrier*, transporting *department store merchandise*, from Charlotte and Hickory, NC, to Pittsburgh, PA, under continuing contract(s) with Kaufmann's Department Store, Inc., of Pittsburgh, PA. (Hearing site: Pittsburgh, PA.)

MC 148821 (Sub-2F), filed May 22, 1980. Applicant: TRUCKING BY TRAUX, INC., 3714 So. Grand Avenue, E, Springfield, IL 62707. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier*, transporting *malt beverages*, from St. Louis, MO, to Springfield, IL, under continuing contract(s) with E. L. Schafer & Sons, Inc., of Springfield, IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 148871 (Sub-2F), filed May 8, 1980. Applicant: PORT TERMINAL REFRIGERATED TRANSPORT, INC., Foot of Algiers St., Bldg., 153, Port Newark, NJ 07114. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA. 30326. Transporting: *Foodstuffs, in mechanically refrigerated equipment*, from the facilities of Standard Brands, Inc., at or near Chicago, IL, to points in NJ, NY, MD, MA, and PA. (Hearing site: New York, NY.)

MC 149061 (Sub-2), filed May 19, 1980. Applicant: STEMPEL MANUFACTURING CO., a corporation, Airport Road, Coleman, TX 76834. Representative: Robert D. Frisch, Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, TX 75202. *Contract carrier*, transporting *cork and cork products* (except in bulk), from points in DE, VA, and PA to points in AL, AR, GA, IL, KY, LA, MO, OH, TN, TX, and VA, under continuing contract with Expanko Cork Co., Inc., of West Chester, PA. (Hearing site: Dallas, TX.)

MC 149250 (Sub-1F), filed May 20, 1980. Applicant: H. H. SMITH FARMS, INC., 3325 Thomas Avenue, Montgomery, AL 36106. Representatives: James D. Harris, Jr., Harris & Harris, P. A., 200 S. Lawrence Street, Montgomery, AL 36104. Transporting *poultry and animal feed, and feed ingredients*, in bulk, in hopper type vehicles, between points in AL, AR, FL, GA, LA, MS, and TN. (Hearing site: Montgomery, Birmingham, or Mobile, AL.)

MC 150021 (Sub-1F), filed May 9, 1980. Applicant: JAMES DANIELS, d.b.a. ZIP TRUCK LINES, P.O. Box 4237, Fremont, CA 94538. Representative: Marvin Handler, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting (a) *water heaters, boilers, storage tanks, solar collectors, and solar panels*, and (b) *such commodities* used in the installation of (a), from Newark and Los Angeles, CA, and Seattle, WA, to points in CA, AZ, NV, NM, OR, UT, WA, and ID, restricted in (a) and (b) against the transportation of commodities requiring special equipment because of size or weight. (Hearing site: San Francisco, CA.)

MC 150040 (Sub-1F), filed May 1, 1980. Applicant: AUTUMN INDUSTRIES INC., Post Office Box A–344, Route 2, Southington, OH 44470. Representative: James Duvall, Post Office Box 97, 220 West Bridge St., Dublin, OH 43017. Transporting *scrap metals*, between points in OH, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC. (Hearing site: Columbus, OH.)

MC 150110 (Sub-1F), filed May 12, 1980. Applicant: STONEHOUSE TRUCKING CO., a corporation, P.O. Box 249, Grant Park, IL 60940. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. *Contract carrier*, transporting (1) *paper or paperboard interior packaging forms*, (2) *plastic articles*, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between the facilities of Malanco, Inc., and Malanco Plastics, Inc., at or near Blue Island and Grant Park, IL, on the one hand, and, on the other, points in IN, under continuing contract(s) with Malanco, Inc., and Malanco Plastics, Inc., both of Blue Island, IL. (Hearing site: Chicago, IL.)

MC 150211 (Sub-2F), filed May 9, 1980. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Transporting *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 the use of special equipment), between the facilities used by International Paper and its subsidiaries at points in the U.S. east of ND, SD, NE, CO, and NM, on the one hand, and, on the other, those points in the U.S. east of ND, SD, NE, CO, and NM, restricted to traffic originating at or destined to the named facilities. (Hearing site: Jacksonville or Nashville, TN.)

MC 150311 (Sub-11F), filed May 1, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting (1) *mechanical power transmissions, shears, bushings, v-belts and bearings, and (2) equipment used in the distribution and manufacture of commodities in (1) above,* from (A) Chambersburg, PA to Dallas, Houston and Lufkin, TX, Trenton, TN, Chicago, IL, Atlanta, GA, Tulsa, OK, and San Leandro, CA; and from (B) Trenton, TN to Dallas, Houston and Lufkin, TX, Chicago, IL, Atlanta, GA, Tulsa, OK, San Leandro, CA and Chambersburg, PA. (Hearing site: Fort Worth, TX.)

MC 150680 (Sub-1F), filed May 20, 1980. Applicant: MID STATE OIL CO. d.b.a., MID STATE TRANSPORT, a corporation, 1122 Main Avenue, Fargo, ND 58103. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *liquid fertilizer and liquid fertilizer ingredients,* in bulk, in tank vehicles, from Bismarck, ND, to points in MT, SD, MN, and ports of entry on the international boundary line between the United States and Canada in ND. (Hearing site: Grand Forks or Fargo, ND, or Minneapolis/St. Paul, MN.)

MC 150700 (Sub-1F), filed May 15, 1980. Applicant: OLIN WOOTEN TRANSPORT, CO., INC., P.O. Box 731, Hazlehurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting: (1)(a) *Newsprint,* from points in Laurens County, GA, to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, CT, DC, IA, MA, ME, MI, MN, NE, NH, NJ, ND, RI, SD, VT, DE and NY, and (b) *waste newspapers, cores,* and *materials, equipment* and *supplies* used in the manufacture and distribution of newsprint (except commodities in bulk), in the reverse direction; (2) *sheet steel containers,* from Baltimore, MD, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, NJ, NY, OH, PA, SC, TN, VA and WV; (3) *wire,* from Lumber City, GA to points in the U.S. in and east of ND, SD, NE, KS, OK and TX; (4) *containers, pulpboard,* and *materials, supplies* and *equipment* used in the manufacture of containers and pulpboard (except commodities in bulk), between Atlanta and Lithonia, GA, Chattanooga, Knoxville and Nashville, TN, Fernandina Beach and Wildwood, FL, Greensboro, Shelby and Winston-Salem, NC, Solon and Cincinnati, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX; (5) (a) *containers* and *container parts,* from Homerville, GA, to points in the U.S. in and east of ND, SD, NE, KS, OK and TX (except ME, VT, NH and MA), and (b) *materials and supplies* used in the manufacture of containers and container parts, from points in the United States in and east of ND, SD, NE, KS, OK and TX (except ME, VT, NH and MA), to Homerville, GA; (6) *materials* and *supplies* used in the manufacture of point (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX; (7) *malt beverages,* from Pabst, GA to points in DE, IL, IN, MD, MI, NJ, OH and PA; (8) *containers, container ends* and *packing material* used in the shipment of container ends, from points in PA, NJ, NY and CT, to points in GA, SC, AL and FL; (9) (a) *crushed marble* and *ground limestone,* in bags, from Tate and Whitestone, GA and Gantts Quarry, AL, to points in the U.S. in and east of ND, SD, NE, KS, OK and TX, and (b) *materials and supplies* used in quarrying, fabricating, crushing and grinding of marble and stone, from points in the U.S. in and east of ND, SD, NE, KS, OK and TX, to Tate and Whitestone, GA and Gantts Quarry, AL; (10) (a) *tin cans, tin can parts, steel pails* and *drums,* from Somerville, NJ, to points in AL, FL, GA, LA, NC, OH, PA, SC and VA and (b) *materials* and *supplies* used in the manufacture of the commodities described above, from points in AL, FL, GA, LA, NC, OH, PA, SC and VA, to Somerville, NJ; (11) (a) *glass containers,* from Cliffwood, NY, Warner Robbins, GA, Henryetta, OK, Terre Haute, IN, and Shakopee, MN, to points in TX, KS, NE, NM, IA, WI, MO, IL, AR, LA, MS, AL, FL, GA, SC, TN, KY, NC, VA, WV, OH, IN, MI, PA, DE, MD, NJ, NY, CT and RI and (b) *materials and supplies* used in the manufacture, sale and distribution of glass containers, from points in TX, KS, NE, MN, IA, WI, MO, IL, AR, LA, MS, AL, FL, GA, SC, TN, KY, NC, VA, WV, OH, IN, MI, PA, DE, MD, NJ, NY, CT and RI, to Cliffwood, NY, Warner Robbins, GA, Henryetta, OK, Terre Haute, IN, and Shakopee, MN. The purpose of this application is to convert the carrier's authority from contract to common. Permits under its Docket No. MC 141450 will be surrendered upon grant of this application (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 150721F, filed May 1, 1980. Applicant: COCKE BROTHERS TRANSPORTATION SYSTEMS, INC., Route 5, Box 768, Old Louisville Rd., Savannah, GA 31401. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission), in containers or in trailers having an immediately prior or subsequent movement by rail or water, between points in Chatham County, GA, on the one hand and, on the other, points in Nassau, Duval, Clay, St. Johns, and Putnam Counties, FL, Charlton, Echols, Clinch, Lowndes, Cook, Berrien, Lanier, Atkinson, Ware, Brantley, Glynn, Pierce, Wayne, Long, McIntosh, Bacon, Coffee, Irwin, Tift, Turner, Ben Hill, Telfair, Jeff Davis, Appling, Chatham, Bryan, Tattnall, Wheeler, Toombs, Dodge, Wilcox, Crisp, Pulaski, Houston, Dooly, Bibb, Twiggs, Crawford, Wilkinson, Bleckley, Laurens, Evans, Montgomery, Treutlen, Candler, Effingham, Bulloch, Creven, Emanuel, Jenkins, Johnson, Washington, Baldwin, Hancock, Jefferson, Burke, Glascock, Richmond, Warren, Columbia, Camden Counties, GA, and Aiken, Lexington, Richlan, Sumter, Calhoun, Clarendon, Dorchester, Berkeley, Charleston, Orangeburg, Bamberg, Colleton, Hampton, Barnwell, Allendale, Jasper, Beaufort, Georgetown Counties, SC. (Hearing site: Savannah or Atlanta, GA.)

MC 150831 (Sub-1F), filed May 13, 1980. Applicant: MASTERCRAFT INDUSTRIES CORP., 6175 East 39th Ave., Denver, CO 80207. Representative: Gerald R. Day (same address as applicant). *Contract carrier,* transporting (1) *beverages, mixes, bottles, jars, metal and plastic caps, glass and plastic containers, and accessories built in or distributed by beverage and bottling companies,* from Phoenix, AZ, Alton and Chicago, IL, Gas City, Ligonier and Warsaw, IN, St. Paul, MN, Kansas City and St. Louis, MO, Buffalo, NY, Alda, Muskogee, Oklahoma City and Okmulgee, OK, Houston, TX,

Seattle, WA, Lacrosse and Monroe, WI, and points in CA, to Denver, CO, and (2) *materials, equipment and supplies* used in the bottling and distribution of the commodities in (1) above, in the reverse direction, under continuing contract with C & C Distributing Company and Riekes & Sons, Inc., both of Denver, CO, and 7-Up Bottling Division of Beatrice Foods; of Englewood, CO. (Hearing site: Denver, CO.)

MC 150850F, filed May 21, 1980. Applicant: MUNSINGWEAR, INC., 718 Glenwood Avenue, Minneapolis, MN 55405. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, foodstuffs, commodities in bulk, and those requiring special equipment), from the facilities of Coast Carloading Co. at Los Angeles, CA, to Dallas and Houston, TX, and St. Louis, MO, restricted to traffic originating at the named origin and destined to the indicated destinations. Conditions: (1) Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other business activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier. (Hearing site: Los Angeles, CA, or Chicago, IL.)

MC 150870F, filed May 20, 1980. Applicant: GATEWAY FOODS, INC., P.O. Box 871, IGA Court, La Crosse, WI 54601. Representative: Joseph E. Ludden, 324 Exchange Building, P.O. Box 1567, La Crosse, WI 54601. Transporting *frozen packaged food, frozen fruits, and frozen vegetables* from Bettendorf, IA, to La Crosse, WI and Duluth, MN. (Hearing site: St. Paul, MN, or Madison, WI.)

MC 66561 (Sub-4F), filed May 19, 1980. Applicant: UNDA'S BUS SERVICE, INC., d.b.a. INTERSTATE COAH, 1139 Washington Street, Stoughton, MA 02072. Representative: William Shields III, Esq., 100 Federal St., Boston, MA 02110. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in Barnstable, Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, MA, and Hillsborough and Rockingham Counties, NH, and extending to points in the U.S. (except AK and HI). (Hearing site: Boston, MA.)

MC 98320 (Sub-2F), filed May 13, 1980. Applicant: JACKSON-ROCK SPRINGS STAGES, INC., 514 Lewis St., Rock Springs, WY 82901. Representative: James P. Zanetti (same address as applicant). Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Sweetwater, Teton, and Sublette Counties, WY and extending to points in UT, ID, CO, NV, OR, MT, and CA. (Hearing site: Rock Springs, or Jackson's Hole, WY.)

MC 150551F, filed February 25, 1980. Applicant: LOCKHART RENT-A-CAR AND AUTO SALES, INC., 1117 Stoney Hollow Blvd., Steubenville, OH 43952. Representative: Arthur J. Recht, P.O. Box 841, Weirton, WV 26062. Transporting (1) *passengers and their baggage*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations, and (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted (a) to the transportation of shipments in the same vehicle with passengers, and (b) against the transportation of packages or articles weighing more than 100 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, between the Greater Pittsburgh Airport, Moon Township, Allegheny County, PA, on the one hand, and, on the other, points in OH, WV, and PA. (Hearing site: Steubenville, OH, or Wheeling, WV.)

MC 150720F, filed May 1, 1980. Applicant: SCHATZ TRANSPORTATION, INC. Representative: Seidman & Maiman, 445 Park Avenue, New York City, NY 10022. Transporting *passengers and their baggage*, in special and charter operations, between points in NY, NJ, PA and CT. (Hearing site: New York, NY.)

MC 151150F, filed December 4, 1979. Applicant: BOPST BUS SERVICE, INC., 10234 Liberty Rd., Randallstown, MD 21133. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., Suite 520, Lenox Towers South, Atlanta, GA 30326. Transporting *passengers and their baggage*, in the same vehicle, with passengers, in special operations, in round-trip sightseeing and pleasure tours, and in charter operations (1) beginning and ending at Baltimore, MD, and points in Harford, Baltimore, and Anne Arundel Counties, MD, and points in Howard County, MD, on and east of MD Hwy 97, and extending to points in the U.S. (including AK, but except HI), and (2) beginning and ending at points in Carroll County, MD, and extending to points in the U.S. (including AK, but except HI). (Hearing site: Baltimore, MD.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-21740 Filed 7-21-80; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[TA-201-44]

Change in Commission Precedures; Certain Motor Vehicles and Certain Chassis and Bodies Therefor

AGENCY: United States International Trade Commission.

ACTION: Following receipt and consideration of a request from the President that the Commission expedite its investigation, similar requests from the petitioner and various members of the Congress, and letters in opposition to such expedited action, the Commission has determined that the schedule in this investigation should be revised and is establishing new dates for a hearing and the filing of submissions. The dates and precedures set forth in this notice supersede those set forth in the Commission's notice in this matter published in the **Federal Register** of July 7, 1980 (45 FR 45731).

This schedule is being revised in accordance with section 201(d)(2) of the Trade Act of 1974 (19 U.S.C. 2251(d)(2)), which states that the Commission's determination shall be made "at the earliest practicable time * * *." In order to complete the investigation at the earliest practicable time, the Commission has decided that (1) the investigation will not be divided into separate injury and remedy segments with separate hearings and periods for filing documents; and (2) additional staff and Commission resources are being assigned or allocated to the investigation.

A public hearing concerning all issues in the investigation will be held beginning at 10 a.m., EDT, Wednesday, October 8, 1980, in Washington, D.C., at a place to be announced. A prehearing conference for the purpose of establishing time limitations for participants in this hearing will be held at 10 a.m., EDT, on Tuesday, September 16, 1980, in the hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. All persons wishing to appear at the hearing should so notify the Secretary to the Commission, in writing, no later than the close of business Monday, September 15, 1980. The October 8 hearing will be concerned

with all issues relating to injury and a possible remedy; the Commission will not hold the separate injury and remedy hearings announced in the earlier notice.

To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the Commission no later than the close of business Wednesday, October 1, 1980. Copies of any prehearing briefs submitted will be made available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with section 201.12(d) of the Commission's *Rules of Practice and Procedure* (19 CFR 201.12(d)), it would be unnecessary to submit such a statement if a prehearing brief is submitted instead. Therefore, for the purpose of this proceeding, the Commission has waived the requirements of rule section 201.12(d). Any prepared statements submitted will be made a part of the transcript. Oral presentations should, to the extent possible, be limited to issues raised in the prehearing briefs. Posthearing briefs should be filed with the Secretary no later than the close of business, Friday, October 17, 1980.

Persons not represented by counsel or public officials who have relevant matter to prsent may give testimony without regard to the suggested prehearing procedures outlined above.

In brief, the calendar of pertinent dates is as follows—

Prehearing report available, Sept. 10
Notice of hearing appearance due, Sept. 15
Prehearing conference, Sept. 16
Prehearing briefs, Oct. 1
Hearing, Oct. 8
Posthearing briefs, Oct. 17

COMMISSION DATA AVAILABLE: The Commission will make available to requesting interested parties by September 10, 1980, a non-confidential version of the staff prehearing report. It is hoped that statistical data in this report will serve as a common statistical base for presentations at the hearing.

OTHER WRITTEN SUBMISSIONS: Other written submissions, except for posthearing briefs, should be filed with the Secretary to the Commission prior to the public hearing. Commercial financial data which is confidential should be clearly marked "Confidential Business Information" and should be submitted in accord with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Submissions should also conform to the general requirements of section 201.8 of the Commission's Rules (19 CFR 201.8).

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Investigator (telephone: 202–523–0296) or Mr. William Gearhart, Advisory Attorney (202–523–0487).

INSPECTION OF PETITION. The petition filed in this case and the letters requesting expedited consideration are available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City Office of the U.S. International Trade Commission located at 6 World Trade Center.

SUPPLEMENTARY INFORMATION: The petition in the matter was filed by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).

By order of the Commission.

Issued: July 21, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–22135 Filed 7–21–80; 11:59 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants; Del Monte Corp.

In accordance with Department Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on July 9, 1980, a proposed consent decree in *United States* v. *Del Monte Corporation* was lodged with the United States District Court for the District of New Jersey. The proposed decree would require Del Monte Corporation to pay a civil penalty of $25,000 and to construct a waste water treatment facility at its Swedesboro, New Jersey plant.

The Department of Justice will receive on or before August 21, 1980, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Del Monte Corporation*, D.J. Ref. 90–5–1–1–936.

The proposed consent decree may be examined at the office of the United States Attorney, 970 Broad Street, Newark, New Jersey 07102, at the Region II Office of the Environmental Protection Agency, Enforcement Division, 26 Federal Plaza, New York, New York 10007, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice (Room 2644), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80–21846 Filed 7–21–80; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M–80–52–C]

Douglas Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Douglas Coal Corporation, General Delivery, McDowell, Kentucky 41649, has filed a petition to modify the application of 30 CFR 75.1710–1 (canopies) to its Mine #2 located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safey and Health Act of 1977.

The substance of the petition follows:

1. This petition concerns the installation of canopies on the petitioner's mining machines.

2. The petitioner states that due to the present thinness of the seams (43 inches) there is not sufficient clearance between the top of the equipment and the mine roof to allow for installation of canopies.

3. For this reason, the petitioner requests a modification of the application of the standard until the coal seam height increases.

Request for Comments

Persons interested in this petition may furnish written comments on or before August 21, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: July 9, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80–21935, Filed 7–21–80; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M-80-92-C]

Southern Elkhorn Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Southern Elkhorn Coal Corporation, P.O. Box 470, Elkhorn City, Kentucky 41522 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. L-1 located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of canopies on the mine's haulage equipment.

2. The coal seam ranges from 41 to 54 inches in height with ascending and descending grades, resulting in dips in the coalbed. Crossbars are being used to support the roof.

3. The petitioner feels that the installation of canopies would result in a diminution of safety to the miners because the canopies would cramp the operators' seating, thereby reducing the operator's visibility.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before August 21, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available at that address.

Dated: July 11, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-21934 Filed 7-21-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[Secretary of Labor's Order 4-80]

Delegation of Authority and Assignment of Responsibility for Floodplain Management and Wetlands Protection

1. *Purpose.* To set forth policy and delegate authority in connection with Department of Labor responsibility for floodplain management and wetlands protection activities.

2. *Authority.* This Order is issued pursuant to Executive Orders 11988 and 11990.

3. *Background.* Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands, set requirements for Executive departments and agencies to avoid adverse impact on wetlands and floodplains, to minimize destruction, loss, or degradation of wetlands, to preserve and enhance the natural and beneficial values of wetlands, to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore the natural and beneficial value served by floodplains.

4. *Policy.* It is the policy of the Department of Labor to implement these Executive Orders. Agencies of the Department are prohibited from supporting floodplain development or otherwise adversely affecting floodplain areas unless it can be demonstrated that there are no practical alternatives to such actions, in which case Agencies shall take steps to minimize potential harm to or within floodplain areas.

5. *Assignment of Responsibilities.* In accordance with this policy, the following responsibilities are assigned:

a. *The Assistant Secretary for Administration and Management (ASAM) is responsible for:*

(1) Administering requirements associated with floodplain management and wetlands protection in the DOL.

(2) Determining, in response to DOL Agency requests, whether any real property owned, managed, or to be acquired, modified, or constructed by the Department is or will be located in or near a floodplain or wetland as defined and described in Executive Orders 11988 and 11990, and Part II of the Water Resource Council's Floodplain Management Guidelines (43 FR 6030, February 12, 1978).

(3) Assuring compliance with Executive Orders 11988 and 11990 regarding actions to be taken with respect to real property identified in paragraph (2) of this subsection as located in or near a floodplain or wetland pursuant to a decision-making process consistent with that set forth in Part II of the Water Resource Council's Floodplain Management Guidelines.

b. *The DOL Agency Heads* are responsible for submitting a formal request to the ASAM for review and approval of any proposed actions their Agency might take regarding real property. Agency requests should be submitted to the ASAM as far in advance as possible prior to the date of the Agency's proposed action. Such submittal does not relieve Agency heads of any other obligations they may have in connection with such actions, including obligations under the National Environmental Policy Act, and implementing procedures in connection therewith.

c. *The Solicitor of Labor* is responsible for providing legal advice and assistance to all Department of Labor officials relating to the implementation of policies and procedures of this Order.

6. *Effective Date.* This Order is effective June 27, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-21933 Filed 7-21-80; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-7075]

General Motors Corp., General Motors Assembly Division; Amended Determination on Reconsideration

On May 30, 1980, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Fremont, California, plant of the General Motors Corporation's General Motors assembly Division. This determination was published in the **Federal Register** on June 10, 1980, (45 FR 39361).

The petitioner claims that the Department's certification of General Motors' Fremont, California, assembly plant fails to cover 3,500 workers at that plant who were laid off indefinitely on July 27, 1979. The impact date on the Department's certification is September 1, 1979, (TA-W-7075).

The Department found in its reconsideration investigation that workers at the Fremont, California, plant produced both passenger cars and light trucks with layoffs occurring on July 27, 1979, and on August 10, 1979, for workers on passenger car and truck assembly lines, respectively. A reduction in force (RIF) occurred simultaniously with the 4 to 5 week model changeover. About half of the workers separated in July and August have not been recalled.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of passenger cars and trucks contributed importantly to the total or partial separations of workers and former workers at the Fremont, California, plant of the General Motors Assembly Division, General Motors Corporation. In accordance with the provisions of the Trade Act of 1974, I make the following amended determination:

All workers at the Fremont, California, plant of the General Motors Assembly Division, General Motors Corporation who became totally or partially separated from employment on or after July 13, 1979, are

eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of July 1980.

Herbert N. Blackman,

Associate Deputy Under Secretary, International Affairs.

[FR Doc. 80-21939 Filed 7-21-80; 8:45 am]

BILLING CODE 4510-28-M

MINIMUM WAGE STUDY COMMISSION

Meeting

July 15, 1980.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) announcement is made of the cancellation of the following meeting:

Name: Minimum Wage Study Commission.

Date: August 12, 1980.

Original notice of this meeting date appeared in the **Federal Register** July 1, 1980.

Next meeting of the Commission will be held Tuesday, September 9, 1980.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW., Suite 500, Washington, DC 20005, telephone (202) 376-2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 80-21936 Filed 7-21-80; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Advisory Council Meeting

July 16, 1980.

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a one-day meeting on Friday, August 15, 1980 at its offices at 1725 K Street, N.W. (Room 405), Washington, D.C. The meeting will begin at 10:00 A.M. EDST and is open to the public.

The purpose of the meeting will be to discuss progress reports on Council activities and to outline future projects.

The National Advisory Council on Economic Opportunity is authorized by Section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

Walter B. Quetsch,

Executive Director.

[FR Doc. 80-21926 Filed 7-21-80; 8:45 am]

BILLING CODE 6820-42-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Media Arts Panel (Aid to Film/Video); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Aid to Film/Video) to the National Council on the Arts will be held August 4, 1980 from 9:00 a.m. to 5:30 p.m. and August 5, 1980 from 9:00 a.m. to 5:30 p.m., in Room 1422, Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80-21925 Filed 7-21-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Procedures and Administration; Meeting

The ACRS Subcommittee on Procedures and Administration will hold a meeting on August 6, 1980 in Room 1010, 1717 H St., NW, Washington, DC. Notice of this meeting was published June 20, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979 (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, August 6, 1980

3:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hold discussions regarding the following topics:

(1) Incorporation of the ACRS Generic Items List with the NRC Staff Action Plan items.

(2) Procedures for more effective use of Committee member's time.

(3) Proposed rules for ACRS participation in NRC rule making proceedings.

(4) Miscellaneous procedures for conduct of ACRS and ACRS Staff activities.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Raymond F. Fraley (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 15, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-21983 Filed 7-21-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold a

meeting on August 6, 1980 in Room 1046, 1717 H St., N.W., Washington, D.C.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979 (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, August 6, 1980

The meeting will commence at 8:45 a.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.97, Revision 2, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident." (Post Comment)

(2) Proposed Regulatory Guide 1.8, Revision 2, "Personnel Selection and Training." (Pre Comment)

(3) Proposed Amendment to 10 CFR 50, Appendix A to Reference 10 CFR 50, Appendix B. (Pre Comment)

(4) Proposed Revisions to 10 CFR 50, "Domestic Licensing of Production and Utilization Facilities" to Increase Staffing and Provide for Control of Working Hours at Nuclear Power Plants. (Pre Comment)

(5) Proposed Regulatory Guide 1.33, Revision 3, "Quality Assurance Program Requirements (Operation)." (Pre Comment)

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.97, Revision 2, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy, The Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 or telecopy them to the Designated Federal Employee (202/634–3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 and 5:00 p.m., EDT.

Dated: July 17, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-21985 Filed 7-21-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy and Criteria will hold a meeting on August 6, 1980 in room 1118, 1717 H St. NW., Washington, DC to review the progress made in setting requirements for Near-Term Construction Permit (NTCP) Plants. Notice of this meeting was published June 20, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979 (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, August 6, 1980

1:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, NTCP Plant Applicants, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: July 17, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-21984 Filed 7-21-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Availability of Intergovernmental Personnel Act Funds for Fiscal Year 1981 National Grants

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management announces the availability of Intergovernmental Personnel Act (IPA) grant funds for national projects during fiscal year 1981. The notice provides information on funding priorities and the criteria by which grant applications will be evaluated.

DATE: Applications for fiscal year 1981 national IPA grants should be submitted to OPM on or before Octobeer 1, 1980.

ADDRESS: Applications should be submitted to U.S. Office of Personnel

Management, Intergovernmental Personnel Programs, P.O. Box 14184, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Richard L. Romero, Telephone (202) 632-6274.

SUPPLEMENTARY INFORMATION: The official program number and title for this program is 27.012—Intergovernmental Personnel Grants. OMB Circular No. A-95 is not applicable.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

NATIONAL IPA PROJECTS

Availability of Fiscal Year 1981 Funds

Under the Intergovernmental Personnel Act (IPA), the United States Office of Personnel Management (OPM) is authorized to award grants to strengthen the management of State, local, or Indian tribal governments through improved personnel systems and training for professional, administrative, or technical employees. General information on IPA grants is contained in the *Guidelines for the IPA Grant Program*, available from OPM offices.

The amount of IPA grant funds requested in the President's budget for fiscal year 1981 will provide about $650,000 for new national projects commencing after September 30, 1980. During fiscal year 1981, OPM will give priority consideration to applications for national programs which would include one or more of the following:

(1) Management improvement assistance for elected or appointed State or local government officials.

(2) Productivity improvement assistance for State or local governments, including efforts to (a) strengthen operating procedures and organization structures, (b) develop more effective employee motivation and incentive systems, (c) establish productivity measuring techniques, or (d) encourage technological improvements which will improve the productivity of personnel.

(3) Management capacity building assistance for smaller communities, including support for "circuit rider" efforts providing management services to two or more such communities.

(4) Development, implementation, or evaluation of civil service reform programs in State or local governments.

(5) Implementation by State or local governments of personnel selection programs in accord with the Uniform Guidelines on Employee Selection Procedures.

Within these broad priority areas, OPM is interested in projects which, on a nationwide basis, will result in innovative training activities and techniques to assist in improving State and local government management; or which, through research, demonstration, or training, will contribute to the resolution of priority State and local government personnel management problems.

First consideration will be given to project applications received on or before October 1, 1980. The estimated $650,000 for new national projects under this announcement is contingent upon final appropriation action by Congress. If additional funds are available, unsolicited proposals received after October 1, 1980, will also be considered.

To be eligible for consideration, an application must:

1. Involve a substantial national audience; i.e., participating officials and jurisdictions are from all or many parts of the country. Projects to be carried out on a local or regional basis, even though wider applicability is intended or projected, should be submitted for consideration to the appropriate State IPA or OPM regional office.

2. Be principally directed toward training of or technical assistance for State and local officials. If the applicant is an "other organization" as defined in section 304 of the IPA, rather than a State or general local government, the proposal must include evidence that the proposed training has been requested by State or local governments.

Proposals will be evaluated according to the following basic criteria:

1. The probable impact of the proposed project on improved central policy making and management capability.

2. The need for and support of the proposed project as expressed by State of local government officials.

3. The extent to which the project would encourage improved intergovernmental cooperation among State and local jurisdictions.

4. The extent to which the proposed project will result in newly established or strengthened programs, systems, or activities that will continue after an initial period of IPA support.

5. The quality, efficiency, and innovation of the project design and proposed approach for carrying out activities.

6. The means for evaluating project results and the potential for broader use of the results or products by other jurisdictions and organizations.

7. The amount and kind of cost-sharing which the applicant would provide (IAP grant funds can support up to 50 percent of the costs of eligible projects).

As appropriate, other consideration factors may include the extent to which the proposed project will result in the conduct of needed personnel management research which will benefit State and local governments and, for proposals that include labor relations training, the extent of management-labor cooperation in developing and carrying out the training.

For further information, application forms, and guidelines, please contact the Office of Personnel Management, Intergovernmental Personnel Programs, Grants Division, P.O. Box 14184, Washington, D.C. 20044, (202) 632-6274. Interested parties are encouraged to contact the above office and to discuss project plans with OPM staff before submitting a formal application.

This notice pertains only to the award of IPA assistance funds for national programs. For further information about IPA assistance funds for specific State and local governments and combinations thereof, contact the appropriate regional office of OPM (see list below).

BILLING CODE 6325-01-M

UNITED STATES OF AMERICA OFFICE OF PERSONNEL MANAGEMENT
Intergovernmental Personnel Programs

Region	Headquarters	Director	IPP Contact	Area Served
New England	John W. McCormack Post Office & Courthouse Boston, MA 02109	Charles A. Maher Ph: 617-223-2538 FTS: 8-223-2538	Paul Joseph Ph: 617-223-6835 FTS: 8-223-6835	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island Vermont
Eastern	New Federal Building 26 Federal Plaza New York, NY 12078	John J. Lafferty Ph: 212-264-0440 FTS: 8-264-0440	Sally Williams Ph: 212-264-4612 FTS: 8-264-4612	New Jersey, New York, Puerto Rico, Virgin Islands
Mid-Atlantic	William J. Green, Jr., Federal Building 600 Arch Street Philadelphia, PA 19106	Robert E. Sperry Ph: 215-597-4543 FTS: 8-597-4543	David J. Wynne Ph: 215-597-0920 FTS: 8-597-0920	Delaware, Maryland, Pennsylvania, Virginia, West Virginia
Southeast	75 Spring Street, NW. Atlanta, GA 30303	David Caldwell Ph: 404-221-3459 FTS: 8-242-3459	George Murphy Ph: 404-221-3494 FTS: 8-242-3494	Alabama, Florida, Georgia, Kentucky, Mississippi, Tennessee, North Carolina, South Carolina
Great Lakes	John J. Kluczynski Bldg., 29th Floor 230 South Dearborn St. Chicago, IL 60604	Keith Roelofs Ph: 312-353-2901 FTS: 8-353-2901	Riley Gordon Ph: 312-353-5262 FTS: 8-353-5262	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Southwest	1100 Commerce Street Dallas, TX 75242	Edward Vela, Jr. Ph: 214-767-8227 FTS: 8-729-8227	Earl Ziegler Ph: 214-767-0561 FTS: 8-729-0561	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Mid-Continent	1256 Federal Building 1520 Market Street, St. Louis, MO 63103	Gerald K. Hinch Ph: 314-279-4262 FTS: 8-425-4262	Victor Young Ph: 314-425-4941 FTS: 8-425-4941	Iowa, Kansas, Missouri, Nebraska
Rocky Mountain	Bldg. 20, Denver Federal Center Denver, CO 80225	Robert J. Dunn Ph: 303-234-2023 FTS: 8-234-2023	Charles P. Dooley Ph: 303-234-4047 FTS: 8-234-4047	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Western	525 Market Street, 23rd Floor San Francisco, CA 94105	Francis V. Yanak Ph: 415-556-0581 FTS: 8-556-0581	Joseph Rosati Ph: 415-556-1190 FTS: 8-556-1190	Arizona, California, Hawaii, Nevada, Guam, American Samoa, Trust Territory
Northwest	Federal Building, 26th Floor 915 Second Avenue Seattle, WA 98174	Thomas G. McCarthy Ph: 206-442-7536 FTS: 8-399-7536	Robert A. McBride Ph: 206-442-0464 FTS: 8-399-0464	Alaska, Idaho, Oregon, Washington

[FR Doc. 80-21884 Filed 7-21-80; 8:45 am]
BILLING CODE 6325-01-C

Study of Federal Relocation Policies

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: OPM is working with the General Service Administration and the Office of Management and Budget to review and evaluate Federal policies on geographic mobility in the civil service workforce, particularly the unreimbursed costs to employees asked to make job related moves. This Notice explains the project and invites comments from all interested persons.

COMMENT DATE: August 11, 1980.

ADDRESS: Send or deliver written comments to: Director, Office of Planning and Evaluation, Room 3305, Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415. Attention: Frank A. Lancione.

FOR FURTHER INFORMATION CONTACT: Frank A. Lancione, 202–632–4628 or Lee Hall, 202–632–8742.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management has identified areas of concern and key policy issues which it believes will confront the Federal civil service in the near future in the *OPM Policy Agenda* published in the June 3, 1980 **Federal Register** (45 FR 37638–37646). Item 1.1 in this agenda deals with the issue: "What should Federal policy be with respect to employee geographic mobility and relocation?" The project described in this current Notice is one of the activities related to item 1.1 of the *OPM Policy Agenda.*

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

OPM gives notice of its current study of issues related to Federal mobility and relocation policies and invites interested parties to contribute ideas and information as follows:

Scope of Project

The Office of Personnel Management, the General Services Administration, and the Office of Management and Budget are reviewing current Federal policies and practices related to geographic relocations of employees which are determined to be in the Government's interest. As a subpart of this general effort, OPM has convened a task force to define issues, obtain relevant data, and propose options in this area.

Public Participation

OPM's Federal Mobility and Relocation task force will report its findings to the Deputy Director of OPM in September of 1980. In order to get early and meaningful public involvement in the overall process, OPM is giving notice of this project and inviting interested persons to contribute ideas and information on what they feel are the important issues and options in this area. These views should be submitted in writing to the address shown above. The task force plans to consider a number of issues:

How Much Mobility Is Desirable?

What are the benefits to the Government of having employees relocate geographically? What are the liabilities? How does mobility relate to employee, managerial and executive development? Does rotating the executives who head up regional programs in agency field operations help promote "uniform application of Federal laws" nationwide? Are managers who have first hand experience working outside Washington, D.C. better able to accommodate regional needs in fashioning nationwide implementation strategies? How much mobility is needed? When is mobility counterproductive?

Disincentives

Another dimension of the mobility question involves the impact of relocations on Federal employees and their families. In recent years there seems to be an increasing reluctance on the part of employees, both public and private, to relocate for career advancement. Numerous factors are seen as contributing to the problem: The high cost of housing; disruption to family life; changed values with respect to achievement; and dual income families where relocations must take into account the impact on career prospects for both spouses. Unreimbursed costs to the employee, in particular, can be a major disincentive to relocating, even when the move involves career advancement. The Federal Government reimburses employees when their relocation is determined to be in the interests of the Government. However, under current laws and regulations many direct and indirect costs to the employee are only partially covered or not covered at all. As a result, employees sometimes experience significant direct and indirect personal financial losses.

Higher living expenses in major metropolitan areas, for ample, frequently cancel out any income gains even though the relocation involves a promotion. Also, recent trends in the real estate and credit markets have meant that many relocating employees have had great difficulties in selling their present homes or affording replacement housing at the new job site. With pay compression at the upper levels of the General Schedule, some individuals must incur these unreimbursed relocation costs without any prospect of an increase in compensation.

Are Incentives Needed?

All relocations for which the Government reimburses employees must be in the Government's interest. However, because of partial reimbursements and other factors, relocating may not always be perceived as being equally in the employee's best interests. An important question is: What effect, if any, are the disincentives to mobility discussed above having upon the efficiency and effectiveness of Government programs? Are changes needed in the Government's current reimbursement policies? If so, what kinds of change are best, and are most likely to be supported by the public?

What should be the relationship between Federal and private sector reimbursements for moving expense? Federal pay is currently based upon the concept of comparability with the private sector. Should this principle apply in terms of reimbursing employees who relocate in the interests of the Government? Are there non-cost or nominal cost changes that could be made in current practices which would eliminate some of the existing disincentives to relocating?

Relocation Payments for New Hires

At the present itme, the Federal Government pays for relocation of individuals newly hired into the Federal service only in positions covered by the Senior Executive Service or if they are hired into positions for which there is a serious shortage of candidates. Should consideration be given to paying for the relocation of new hires in other positions where the payment would secure the services of a higher caliber individual who would otherwise decline to accept the job?

Real Estate Expenses: Private Sector Solutions Invited

The problems and unreimbursed costs of selling a previous residence and locating and financing a home at the new worksite are presently among the principal burdens for Federal employees who are relocating. Conversely, we think that this area also presents opportunities for the Government and the private sector to work together.

The numerous Federal employees who must relocate each year constitute a

substantial business market. It should be possible to work out procedures for information sharing, special rates, etc. which would mitigate the current problems geographic relocations pose for Federal employees. We welcome ideas from private sector firms connected with real estate, relocation, finance and other areas. All ideas must be submitted in writing to the address shown at the beginning of this Notice.

Need for Concrete Data

An important goal of the OPM task force is to identify any existing or readily available sources of information on the extent of problems generated by the current policies, private sector experience, related research, etc. Members of the public are encouraged to notify OPM of any information they feel would be relevant to a consideration of these issues.

[FR Doc. 80-21882 Filed 7-21-80; 8:45 am]
BILLING CODE 6325-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1875]

California; Declaration of Disaster Loan Area

Mono County and adjacent counties within the State of California constitute a disaster area as a result of damage caused by earthquake beginning on May 25, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 15, 1980, and for economic injury until the close of business on April 15, 1981, at: Small business Administration, District Office, 211 Main Street, 4th Floor, San Francisco, California 94105, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 15, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-21892 Filed 7-21-80; 8:45 am]
BILLING CODE 8025-01-M

Region V Advisory Council Executive Board; Public Meeting

The Small Business Administration Region V Advisory Council Executive Board will hold a public meeting from 9:00 a.m. to noon (Chicago time), Tuesday, August 26, 1980, in Room 204A of the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call Roy A. Olson, Small Business Administration, 219 South Dearborn Street, Room 838, Chicago, Illinois 60604, (312) 353-0357.

Dated: July 15, 1980.

Michael B. Kraft,
Deputy Advocate for Advisory Councils.

[FR Doc. 80-21893 Filed 7-21-80; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area Nos. 1844, etc.]

Washington, et al.; Declaration of Loan Areas

[Declaration of Disaster Loan Area No. 1844, Amdt. 1]

Washington

The above Declaration (see 45 FR 37798, June 4, 1980) is hereby amended by extending the termination date for accepting physical applications for "crop losses" only that sustained damage from the eruption on May 18, 1980, of Mount St. Helens, from July 22, 1980, to November 21, 1980. All other information remains the same; i.e., the termination date for filing applications for "other" physical damage is close of business on July 22, 1980, and for economic injury until the close of business on February 23, 1981.

[Declaration of Disaster Loan Area No. 1847, Amdt. 1]

Idaho

The above Declaration (see 45 FR 41110, June 17, 1980) is hereby amended by extending the termination date for accepting physical applications for "crop losses" only that sustained damage from the eruption on May 18, 1980, of Mount St. Helens, from August 1, 1980, to December 1, 1980. All other information remains the same; i.e., the termination date for filing applications for "other" physical damage is close of business on August 1, 1980, and for economic injury until the close of business on March 2, 1981.

[Declaration of Disaster Loan Area No. 1859, Amdt. 1]

Montana

The above Declaration (see 45 FR 42918, June 25, 1980) is hereby amended by extending the termination date for accepting physical applications for "crop losses" only that sustained damage from the eruption on May 18, 1980, of Mount St. Helens, from August 18, 1980, to December 19, 1980. All other information remains the same; i.e., the termination date for filing applications for "other" physical damage is close of business on August 18, 1980, and for economic injury unil the close of business on March 19, 1981.

(Catalog Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 27, 1980.

William H. Mauk, Jr.,
Acting Administrator.

[FR Doc. 80-21891 Filed 7-21-80; 8:45 am]
BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 142
Tuesday, July 22, 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

[M–285, Amdt. 3; July 17, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition and deletion of items to the July 17, 1980, board meeting.

TIME AND DATE: 9:30 a.m., July 17, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

Deletion

5. Docket 37560, Michigan Peninsula Airways, Ltd—application for exemption under section 416(b) of the Act. (Memo 9791, BDA, OGC)

Addition

8a. Application of Air California for an emergency exemption, Docket 38417 (BDA)

Deletion

25. Dockets 31788, 36113, 27557, Removal of limitations on off-route and cargo charters, and termination of Cargo Charter Transfer Rate Investigation (Memo 9792, OGC, BIA, BDA)

Deletion

26. Docket 37825, Request of LTU, a German charter carrier, for exemption to carry cargo in the unused belly space of passenger charter flights (Memo 9769, BIA, OGC).

STATUS: Open.

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

[S–1392 Filed 7–18–80; 3:41 p.m.]

BILLING CODE 6320–01–M

2

FEDERAL MARITIME COMMISSION.

TIME AND DATE: July 28, 1980, 2 p.m.

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

STATUS: Open.

MATTER TO BE CONSIDERED: Exemption of agreements from approval and/or filing requirements of section 15 of the Shipping Act, 1916.

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

[S–1390 Filed 7–18–80; 8:45 am]

BILLING CODE 6730–01–M

3

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [45 FR 46608 7/10/80].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, July 7, 1980.

CHANGES IN THE MEETING: Deletion/rescheduling/additional items.

The following items were not considered at a closed meeting scheduled on Tuesday, July 15, 1980, at 10:00 a.m.:

Institution of injunctive action.
Personnel matter.

The following closed item scheduled on Tuesday, July 15, 1980, at 10 a.m., has been rescheduled for Thursday, July 17, 1980, following the 10 a.m. open meeting:

Opinion.

The following additional items will be considered at a closed meeting scheduled for Thursday, July 17, 1980, following the 10 a.m. open metting:

Regulatory matter regarding financial institution.
Subpoena enforcement action.
Amend formal order of investigation.
Administrative proceeding of an enforcement nature.

The following additional item will be considered at a closed meeting scheduled for Thursday, July 24, 1980, following the 10 a.m. open meeting:

Report of investigation.

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

July 17, 1980.

[S–1389 Filed 7–17–80; 4:45 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
July 22, 1980

Part II

Department of Education

Establishment of Procurement Regulations

DEPARTMENT OF EDUCATION

41 CFR Ch. 34

Establishment of Chapter 34

AGENCY: Department of Education.

ACTION: Final rule.

SUMMARY: The Department of Education Organization Act (Pub. L. 96–88, enacted Oct. 17, 1979) established the Department of Education (ED) as a new executive department. Procurement regulations of the Department of Education were previously found in Title 41 of the Code of Federal Regulations at Chapter 3—Department of Health, Education, and Welfare. Separate regulations must now be issued to govern ED procurements. Therefore, this publication establishes a new Chapter 34, entitled "Department of Education" in Title 41 of the CFR and recodifies the procurement regulations of the Department of Education in the new chapter. Inapplicable provisions of the HEW regulations have been deleted from the ED regulations recodified in Chapter 34.

EFFECTIVE DATE: This regulation is effective July 22, 1980.

ADDRESS: Department of Education, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Hundemer, Department of Education, 400 Maryland Ave., S.W. (ROB–3, Room 5680), Washington, D.C. 20202, telephone: (202) 245–8604.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this rule as a proposal for public comment is unnecessary as it deals only with establishment and arrangement of Chapter 34 of Title 41 and the recodification of certain procurement regulations with no substantive changes.

The General Services Administration Board of Contract Appeals (GSBCA) has replaced the Armed Services Board of Contract Appeals (ASBCA) as the authorized representative of the Secretary of Education for hearing and determining disputes arising under ED contracts.

Under Section 505(a) of the Department of Education Organization Act these procurement regulations apply to the Department of Education as a matter of law. These regulations are applicable to ED procurements only. They do not change general rules published in EDGAR (45 CFR 100a, 100b, 100c) which apply to direct grant and State-administered programs, and they do not apply to procurements by ED grantees.

M–A22070 0002(00)(21–JUL–80–11:19:29)

(Department of Education Organization Act, Pub. L. 96–88, Oct. 17, 1979, 93 Stat. 668 (20 U.S.C. 3401 *et seq.*)

Dated: July 15, 1980.

Shirley M. Hufstedler,

Secretary of Education.

Title 41 is amended by adding a new Chapter 34 as follows:

CHAPTER 34—DEPARTMENT OF EDUCATION

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34–2 Procurement by formal advertising
34–3 Procurement by negotiation
34–4 Special types and methods of procurement
34–5 Special and directed sources of supply
34–8 Termination of contracts
34–12 Labor
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PART 34–1—GENERAL

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34–1.1003 Synopses of proposed procurements.
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Subpart 34–1.12—Responsible Prospective Contractors

34–1.1200 Scope of subpart.
34–1.1203 Minimum standards for responsible prospective contractors.
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34–1.1204 Determination of responsibility or nonresponsibility.
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Subpart 34–1.16—Reports of Identical Bids

34–1.1603 Reporting requirements.
34–1.1603–3 Submission of reports.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 34–1.000 Scope of Part.

This Part sets forth introductory information concerning the ED Procurement Regulations, describes the methods by which the Department of Education implements and supplements the Federal Procurement Regulations (FPR), and contains policies and procedures which implement and supplement Part 1–1 of the FPR.

Subpart 34–1.1—Regulation System

§ 34–1.101 Scope of subpart.

This subpart sets forth introductory information pertaining to the ED Procurement Regulations [herein referred to as EDPR), explains their purpose, authority under which they are issued, their relationship to the FPR System, applicability, method of issuance, exclusions, and arrangement. It also provides procedures for

implementing and supplementing the FPR and the EDPR, and sets forth deviation procedures.

§ 34-1.102 Purpose.

The EDPR are issued to establish uniform policies and procedures which conform with the Federal Procurement Regulations System. The objectives of the Federal Procurement Regulations System are: To provide greater uniformity in Government procurement policies and procedures applicable to the procurement of personal property and nonpersonal services (including construction); to provide for codification and publication of policies and procedures; and to make the policies and procedures readily available to procurement officials, and to the public, as applicable.

§ 34-1.103 Authority.

The EDPR are prescribed by the Secretary under authority 5 U.S.C. 301 and Section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)).

§ 34-1.104 Applicability.

The FPR and EDPR apply to all ED procurements of personal property, real property by lease, and nonpersonal services (including construction). The EDPR applies to contracts and to agreements and other instruments (regardless of name) which are subject to 41 U.S.C. 252. Unless specified otherwise, these regulations apply to procurements within and outside the United States. Requests for authority to deviate from the FPR and EDPR shall comply with procedures set forth in §§ 1-1.009 and 34-1.109.

§ 34-1.105 Exclusions.

Certain ED policies and procedures which come within the scope of this chapter nevertheless may be excluded from ED Procurement Regulations. The exclusions are categorized as follows:

(a) Policy or procedure which is expected to be effective for a period of less than 6 months which shall be issued in procurement circular format.

(b) When the time will not permit preparation in final codified form, the policy or procedure shall be issued in procurement circular format. Conversion to permanent type EDPR shall be made as soon as possible, in most instances, within 180 days.

(c) Issuances of a semipermanent nature which have limited applicability, such as those pertaining to a specific program or geographical area (e.g., metropolitan Washington, D.C.), shall be published as manual guides.

§ 34-1.106 Issuance.

(a) EDPR implement, supplement, and in some instances may deviate from, the FPR. Implementing material is that which expands upon or indicates the manner of compliance with related FPR material. Supplementing material is that for which there is no counterpart in the FPR. Deviating material is defined in § 1-1.009 of the FPR.

(b) Material published in the FPR which has Government-wide applicability becomes effective throughout ED upon the effective date cited in the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise stated in EDPR except to the extent necessary to implement or deviate from the FPR. EDPR material will be effective on the date of the transmittal notice by which distributed unless otherwise indicated in the respective transmittal notice.

(c) All EDPR material deemed necessary for the general public to understand basic and significant ED procurement policies and procedures will be published in the **Federal Register** and codified as Chapter 34 of Title 41, Code of Federal Regulations. The **Federal Register** and Title 41 of the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 34-1.107 Arrangement.

§ 34-1.107-1 General plan.

(a) The EDPR conform with the Federal Procurement Regulations System with respect to divisional arrangements into parts, subparts, sections, subsections, and further subdivisions as necessary.

(b) As the FPR System pertains to the Department, it consists of (1) regulations published by the Administrator of General Services in Chapter 1—Federal Procurement Regulations, and (2) complementary Departmental regulations published in Chapter 34.

§ 34-1.107-2 Numbering.

(a) The FPR System of numbering permits the keying of similar subject matter throughout Chapters 1 and 34. Each section number is a combination showing to the left of the decimal point the chapter and part numbers, separated by a dash. To the right of the decimal point the subpart, section, and subsection numbers are indicated in that order. Thus, the Department, to complement the cost-plus-a-fixed-fee contract provisions contained in Chapter 1, Part 1-3, Subpart 1-3.4, Section 04, Subsection 3 of the Federal Procurement Regulations (§ 1-3.404-3), would assign the section number "34-3.404-3" to the complementary provisions.

(b) Where material in the FPR requires no implementation or deviation, there is no corresponding number in the EDPR. Thus, there are gaps in the EDPR sequence of numbers where the FPR, as written, are applicable to ED procurement.

§ 34-1.107-3 Citation.

The EDPR will be cited in the same manner as the FPR are cited. Thus, this section, in referring to divisions of the FPR system, should be cited as "§ 34-1.107-3 of Chapter 34." When the official Code of Federal Regulations citation is used, this section should be cited as "41 CFR 34-1.107-3." Any section of the EDPR may be identified informally, for purposes of brevity, as "EDPR" followed by the section number, such as "EDPR 34-1.107-3."

§ 34-1.109 Deviation.

§ 34-1.109-1 Description.

As used in the EDPR, the term "deviation" pertains to actions set forth in § 1-1.009-1 of this title.

Subpart 34-1.3—General Policies

§ 34-1.318 Contracting officer's decision under a disputes clause.

A copy of each contracting officer's decision shall be furnished to the contractor by certified mail, return receipt requested, or in person, obtaining a receipt therefor.

§ 34-1.318-50 Decision preparation, processing, and modification or withdrawal.

(a) Where a dispute arises under a contract, the contracting officer will prepare a final decision pursuant to the Disputes Clause of the contract. This single document in the format set forth in paragraph (b) of this section should contain a simple and concise statement of: (1) The claim, (2) the decision, (3) the findings of fact which support the decision, and (4) the reference to the Disputes Clause.

(b) The following format is suggested for use by contracting officers in preparing decisions under the disputes clause, if the contractor's claim is disallowed:

_____

(Date of findings and decision)

Subject: Decision disallowing request of

_____

(Name of contractor)

Under contract No. _____

Date _____

To: _____

(Name and address of contractor)

1. In accordance with the provisions of the above-numbered contract, I have considered your request for (insert factual description of the request to identify clearly its nature and scope).

2. Your request as set forth above is disallowed (in whole or in part, according to the fact) for the following reasons: (Insert the findings of fact upon which the disallowance or allowance is based.)

3. The disputes "Clause" of the contract provides that within 90 days from the date of receipt hereof the contractor may appeal from this decision by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary of the Department of Education. Two copies should accompany the original notice of appeal. The notice of appeal should identify the contract (by number), the decision from which the appeal is taken, and be signed by appellant or an officer of appellant organization, or by a duly authorized representative or attorney.

4. The General Services Administration Board of Contract Appeals (GSBCA) is the authorized representative of the Secretary for hearing and determining such disputes.

(c) Contracting officers shall refer all proposed final decisions to the Office of General Counsel for advice as to legal sufficiency and format before forwarding them to contractors. Contracting officers shall submit a copy of the complete contract file with each proposed final decision.

(d) At any time within the period of appeal, the contracting officer may modify or withdraw the contracting officer's final decision. If an appeal from the final decision has been taken to the GSBCA, the contracting officer will forward the contracting officer's recommended action to the Office of General Counsel together with the file required by § 34–1.318–50(c), as supplemented to support the recommended correction or amendment.

§ 34–1.318–51 Disputes appeals.

The Secretary has designated the GSBCA to hear, consider, and determine fully and finally appeals by contractors from decisions of contracting officers or their authorized representatives pursuant to the provisions of contracts requiring his decisions.

§ 34–1.318–52 Preparation and processing of appeal files.

(a) *Forwarding appeals.* When a notice of appeal in any form has been received by the contracting officer, the contracting officer shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the GSBCA with a copy to the Office of General Counsel. Following receipt by the Board of the original notice of an appeal (whether through contracting officer or otherwise), the contractor, the contracting officer, and the Office of General Counsel, will be promptly advised of its receipt, and the contractor will be furnished a copy of the rules of the GSBCA.

(b) *Duties of the contracting officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board, with a copy to the ED Government trial attorney, an appeal file consisting of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which the appeal is taken.

(2) The contract, including specifications and pertinent amendments, plans and drawings.

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which the decision was issued.

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board.

(5) Any additional information considered pertinent.

Within 30 days of receipt of an appeal or advice that an appeal has been filed, the contracting officer shall furnish the appellant with a copy of each document transmitted to the Board, except those enumerated in paragraph (b)(2) of this section, for which a list of the contractual documents submitted will suffice. Documents in the appeal file may be originals or legible facsimiles or authenticated copies thereof, and shall be arranged in chronological order, where practicable, numbered sequentially, tabbed and indexed to identify the contents of the file. A copy of any material submitted to the GSBCA should be submitted to the Office of General Counsel.

(c) *Formats.* The following format is suggested for transmitting appeal files to the GSBCA:

Your reference: _____
(Docket No.)
Ms. Ruth Marino,
Clerk, General Services Administration Board of Contract Appeals, 18th and F Streets, N.W., Washington, D.C. 20405.

Dear Ms. Marino: Transmitted herewith are documents relative to appeal under contract No._____with the

_____
(name of contractor.)

The request for payment of charges resulting from the processing of this appeal should be addressed to:

_____
_____
(Insert name and address of cognizant finance office.)

(d) The Office of General Counsel is designated as the Government Trial Attorney to represent the Government in the defense of appeals before the GSBCA. Decisions of the GSBCA will be transmitted by the Government Trial Attorney to appropriate contracting officers for action according to GSBCA's decision.

(e) At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Office of General Counsel. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Office of General Counsel, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pre-hearing conference and the hearing.

(f) Whenever the contractor, subsequent to filing an appeal with the GSBCA, elects nevertheless to accept fully the decision from which appeal was taken or any modification thereof, and gives written notification of such acceptance to the Office of General Counsel or the contracting officer concerned, the Office of General Counsel will notify the GSBCA of the disposition of the dispute.

§ 34–1.350 Procurement involving bulk mailing.

(a) *Use of official mailing indicia.* Envelopes or labels may be furnished to contractors for use in accordance with contract terms. However, they must bear the printed return address of the Department over the words "Official Business." The name and return address of a private person or firm must never be used on an envelope or label bearing official mailing indicia. This includes envelopes mailed by the contractor as well as envelopes used in reply to a contractor's inquiries.

(b) *Use of Zip Code presort.* All contracts and all solicitation documents for proposed procurements to be entered into with private mailers, or other contracts when bulk mailing is incident to contract performance, shall include the stipulation that mailings will be prepared in compliance with current Zip Code Presort requirements, and be deposited in the post office no later than 4:00 p.m.

§ 34–1.353 Treatment of technical data in contract proposals.

(a) *General.* Technical data (such as plans, designs, suggestions,

improvements or concepts) acquired by ED may have been obtained under conditions which restrict ED's right to use the data. Therefore, care must be taken when considering the use of technical data to assure that ED has sufficient rights to use the data in the manner desired. One of the principal ways in which ED receives technical data is by means of proposals. ED has a continuing interest in receiving and evaluating proposals which are pertinent to its potential needs in carrying out its objectives and goals. Some proposals are offered and received under conditions which may prevent ED from using the technical data contained therein other than for evaluation purposes. Proposals received by ED are of two types—solicited and unsolicited. The policies and procedures for handling unsolicited proposals are set forth in Subpart 34–4.52.

(b) *Definitions*—(1) *Unsolicited proposal.* Essentially, an unsolicited proposal is a written offer to perform work which does not result from a formal written request for proposals or quotations. See Subpart 34–4.5201 for a definitive definition.

(2) *Solicited proposal.* A solicited proposal is a written offer to perform work which results from a formal written request for proposals or quotations.

(c) *Policy for unsolicited proposals.* It is the policy of ED to use technical data included in unsolicited proposals for evaluation purposes only. However, due to the administrative problems involved in handling the large number of unsolicited proposals received, the Government cannot assume liability for disclosure or use of such technical data unless it is marked by the offeror in accordance with the legend set forth below. The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552). Each proposal containing technical data, which the offeror intends to be used by HEW for evaluation purposes only, should be marked on the cover sheet with the following legend and shall specify the pages of the proposal to be restricted in accordance with the conditions of the legend:

Technical data contained in pages ——— of this proposal shall not be used or disclosed, except for evaluation purposes: *Provided,* That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction.

Contracting officers and other Government personnel shall not refuse to consider any proposal merely because the proposal is restrictively marked. Proposals, or portions thereof, so marked shall be used only for evaluation and shall not otherwise be used or disclosed without the written permission of the offeror except under the conditions provided in the legend. In the event an unsolicited proposal is submitted with more restrictive conditions than those provided in the legend above, ED may be unable to consider it, in which case the offeror should be so advised, see § 34–1.353(f)(2).

(d) *Policy for solicited proposals.* (1) ED recognizes that requests for proposals may require the offeror, including his subcontractor(s), if any, to submit technical data which the offeror or the offeror's subcontractor(s) does not want used or disclosed for any purpose other than for evaluation of the proposal. Each proposal containing technical data which the offeror or the offeror's proposed subcontractor(s) desires to restrict shall be marked on the cover sheet by the offeror with the legend set forth in paragraph (d)(2) of this section. Proposals, or portions thereof, so marked shall be used only for evaluation and shall not otherwise be used or disclosed without the written permission of the offeror except under the conditions provided in the legend. The Government assumes no liability for disclosure or use of unmarked technical data in solicited proposals and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

(2) The following provision shall be inserted in the RFP:

The proposal submitted in response to this request may contain technical data which the offeror or his subcontractor(s) does not want used or disclosed for any purpose other than for evaluation of the proposal. The use and disclosure of any such technical data may be so restricted: *Provided,* The offeror marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend:
Technical data contained in pages ——— of this proposal shall not be used or disclosed, except for evaluation purposes: *Provided,* That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction.
The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

Proposals submitted with restrictive legends or statements differing from the above legend will be treated under the terms of the above legend.

(e) *ED notice for handling proposals.* In order that both solicited and unsolicited proposals are handled in accordance with the policies set forth in paragraphs (c) and (d) of this section, the following notice shall be affixed to each solicited and unsolicited proposal which is to be disclosed outside the Government for evaluation purposes in accordance with the policies and procedures set forth in paragraph (f) of this section. Application of the following notice in no way alters any obligation of the Government or diminishes any rights to use or disclose technical data or business information.

ED Notice for Handling Proposals

This proposal shall be used or duplicated only for evaluation purposes and this notice shall be applied to any reproduction or abstract thereof.

Disclosure of this proposal outside the Government for evaluation purposes shall not be made unless the policy and procedures prescribed by ED Procurement Regulation § 34–1.353(f)(2), including the requirements for approval and for an arrangement with the outside evaluator prior to disclosure, are followed.

The restrictions contained in this notice do not apply to technical data or business information obtained from another source without restriction.

(f) *Disclosure of solicited and unsolicited proposals outside the Government*—(1) *Policy.* It is the policy of ED to have proposals evaluated by the most competent technical and management sources available in the Government. However, in processing a proposal for evaluation, ED may find in some instances that it is necessary to disclose a proposal outside the Government to meet its evaluation needs. Such outside evaluation may be made provided the requirements in paragraphs (f) (2) and (3) of this section are met.

(2) *Approval.* Decisions to disclose proposals outside the Government for evaluation purposes shall be made by the chief official of the requiring organization having programmatic responsibility for the procurement, after

consultation with the contracting officer for the procuring activity, and in accordance with agency procedures. The decision to disclose either a solicited or unsolicited proposal outside the Government for the purpose of obtaining an evaluation shall take into consideration avoidance of organizational conflicts of interest and the competitive relationship between the originator of the proposal and the prospective evaluator.

(3) *Evaluation of unsolicited proposals.* Should an unsolicited proposal under consideration contain a restrictive use statement or legend other than the legend prescribed in paragraph (c) of this section, the legend or statement should be reviewed to assure that it does not preclude ED from disclosing the proposal outside the Government for purposes of obtaining an evaluation. In the event ED is so precluded and an outside evaluation is nevertheless desired, the offeror should be advised that ED may be unable to consider the proposal unless the offeror consents in writing to having the proposal evaluated outside the Government.

(4) *Conditions of outside evaluation.* Where it is determined to disclose a proposal outside the Government pursuant to paragraph (f)(2) of this section, the following conditions, or similar appropriate conditions for the treatment of the proposal, shall be included in the agreement with the evaluator prior to such disclosure. Also, review should be made to assure that the notice required by paragraph (e) of this section is affixed to the proposal before it is disclosed to the evaluator.

Conditions for Evaluating Proposals

The evaluator agrees to use the technical data and business information contained in the proposal only for evaluation purposes.

This requirement does not apply to technical data or business information obtained from another source without restriction.

Any notice or legend placed on the proposal by either ED or the originator of the proposal shall be applied to any reproduction or abstract thereof. Upon completion of the evaluation, the evaluator shall return all copies of the proposal and abstracts, if any, to the ED office which initially furnished the proposal for evaluation.

Unless authorized by the ED initiating office, the evaluator shall not contact the originator of the proposal concerning any aspects of its contents.

The evaluator will be obligated to obtain commitments from its employees in order to affect the purposes of these conditions.

(g) *Evaluation and testing of equipment and material.* Should evaluation of a proposal include the evaluation and testing of equipment or material submitted with the proposal, neither the Government nor any person acting on behalf of the Government assumes any liability to the submitter of the proposal, or any person acting on his behalf, in connection with any damage, loss, injury, or destruction resulting from such evaluation, and testing.

§ 34-1.354 Contracts conditioned upon availability of funds.

(a) *General.* In those situations where it is necessary to initiate a procurement properly chargeable to funds of the new fiscal year prior to the availability of such funds, contracts may be entered into conditioned upon the availability of funds. In these cases, the supplies or services shall not be accepted until the funds are available to the contracting officer for the procurement and until the contracting officer has given notice, confirmed in writing, to the contractor of the availability of funds. Appropriate records shall be maintained to insure adequate control of funds.

(b) *Limitations.* Contracts conditioned upon the availability of funds shall be used only for operation, maintenance and continuing services (e.g., janitorial services, garbage removal, utilities, rentals) which are necessary for normal operation and for which the Congress consistently appropriates funds.

§ 34-1.355 Federal Reports Act of 1942.

(a) *General.* The Federal Reports Act of 1942 (44 U.S.C. 3501 et seq.), prohibits the conducting or sponsoring of the collection of information, upon identical items, from 10 or more persons (other than Federal employees considered as such), unless the approval of the Director, Office of Management and Budget, is obtained in advance of the adoption or revision of any plans or forms for such collection.

(b) *Approvals.* Whenever possible, data requirements shall be defined, cleared within ED, and approval obtained from OMB prior to the issuance of the solicitation. The advice of the cognizant reports clearance officer shall be sought on all questions pertaining to required clearances.

Subpart 34-1.4—Procurement Responsibility and Authority

§ 34-1.403 Requirements to be met before entering into contracts.

(a) No contract shall be entered into, modified, or terminated unless all required reviews, clearances, or approvals have been obtained and all applicable requirements of law, the FPR, the EDPR, and other applicable regulations have been met.

(b) In addition to the requirements specified in paragraph (a) of this section, no negotiated contract shall be entered into until the determinations and findings required by Parts 1-3 and 34-3 of this title with respect to the circumstances justifying negotiation and use of any special method of contracting have been made. Negotiations, in any form, will not begin with prospective contractors until all required determinations and findings authorizing such negotiations have been made.

§ 34-1.405 Ratification of unauthorized contract awards.

(a) The Government is not bound by agreements or contractual commitments made to prospective contractors by persons to whom procurement authority has not been delegated. Such unauthorized acts may be in violation of the Federal Property and Administrative Services Act, other Federal laws, the FPR, the EDPR, and good procurement practice; e.g., certain requirements of law and regulation necessary for the proper establishment of a contractual obligation may not be met; i.e., certification of the availability of funds, determinations and findings, competition of sources, determination of contractor responsibility, certification of current pricing data, price/cost analysis, administrative approvals, negotiations of appropriate contract clauses, etc.

(b) Contracting officers shall not ratify contractual commitments made by other personnel of ED without the prior approval of the Assistant Secretary for Management or such other person as the Secretary may designate.

§ 34-1.405-50 Ratification procedure.

Requests received by contracting officers for ratification of commitments made by personnel lacking contracting authority shall be processed as follows:

(a) The individual who made the unauthorized contractual commitment shall furnish the contracting officer all records and documents concerning the commitment and a complete, written statement of facts, including, but not limited to, a statement as to why the procurement office was not utilized, why the proposed contractor was selected and a list of other sources considered, description of work to be performed or products to be furnished, estimated or agreed contract price, citation of appropriation available, and a statement of whether the contractor has commenced performance.

(b) The contracting officer will review the file and forward it to the Assistant Secretary for Management or such other person as the Secretary may designate with any comments or information which should be considered in evaluation of the request for ratification.

§ 34-1.451 [Reserved]

§ 34-1.452 Responsibility of other Government personnel.

§ 34-1.452-1 General.

(a) Responsibility for the decision of what to buy and when to buy rests with program and certain staff offices in the Office of the Secretary. Responsibility for determining how to buy, the conduct of the buying process, and execution of the contract rests with the procurement activity, the contracting officer in particular.

(b) Personnel responsible for making decisions to buy should maintain a close and continuous relationship with their procurement activity to ensure that personnel are made aware of contemplated procurement actions. This will be mutually beneficial in terms of better planning for procurement action and more timely, efficient, and economical procurement.

(c) Personnel not delegated contracting authority may not commit the Government, formally or informally to any type of contractual obligation (see § 34-1.405). However, program personnel who must use the contracting process to accomplish their programs, must support the contracting officer in ensuring that: (1) Requirements are clearly defined and specified; (2) competitive sources are solicited, evaluated, and selected; (3) quality standards are prescribed and met; (4) performance or delivery is timely; (5) prices, estimated costs, and fees are reasonable; (6) contract provisions, procurement regulations, and applicable laws are complied with; and (7) files are documented to substantiate the judgments, decisions, and actions taken. (See § 1-3.801-3.)

§ 34-1.452-2 Planning for procurement.

(a) Program and project plans should include a plan for procurement as an integral part of program or project development.

(b) Program and project managers should solicit the advice and assistance of procurement personnel in developing the procurement element of program and project plans so that the following factors can be considered early in the planning process:

(1) Definition of requirements in terms of specifications or work statement for use in invitations for bids, requests for proposals, and contract provisions.

(2) Development of "in-house" estimates for the cost of property or services to be procured, and identification of appropriated funds available for the contract.

(3) Identifications of factors which require special consideration, i.e., subcontracting; contractor financing; source evaluation criteria; providing facilities and equipment; quality control; product qualification testing and acceptance; patents and copyright reporting requirements; and other approvals or clearances, etc.

(4) Development of lead-time necessary to complete the procurement process, i.e., prepare and process the purchase request, prepare and process the determination and findings, locate and evaluate sources, receive and evaluate bids or proposals, conduct preaward surveys or conferences, and negotiate and/or award the contract or contracts.

(c) It is incumbent upon initiators of procurement requirements to obtain timely approvals from higher authority whenever such approvals are required by regulations of this Department or other Government agencies; e.g., procurement of data processing resources; procurement of management consultant services; clearances by Office of Management and Budget; Government Printing Office, Treasury Department, General Services Administration, etc.

§ 34-1.452-3 Precontract support.

After submission of the requirement to the procurement activity, program personnel must continue to support the procurement process by providing advice and assistance to the contracting officer in activities such as:

(a) Formulation of procurement plans.

(b) Conduct preaward or preproposal briefing of prospective contractors.

(c) Conduct of preaward surveys to determine contractor responsibility in accordance with § 1-1.310 of this title.

(d) Evaluation of technical and business proposals submitted by contractors, including requests for Government-furnished facilities and equipment.

(e) Development or evaluation of plans, procedures, and contract provisions relating to quality control, inspection, test, and acceptance of products or services.

(f) Establishment of contract requirements concerning packing, packaging, marking, and shipment of products.

§ 34-1.452-4 Postaward contract administration.

(a) Upon execution of the contract by the contracting officer and the contractor, the mutual obligations of the Government and the contractor are established by and limited to the written stipulations in the contract instrument. Unless authorized by the contracting officer, ED personnel shall not direct or request the contractor to assume any obligation or take any action not specifically stated in the contract. Only the contracting officer may impose on the contractor any requirement which will result in a change to the contract. All contract changes must be directed in writing or confirmed in writing by the contracting officer.

(b) The role of program, technical, and other personnel in postaward administration of the contract is to assist or advise the contracting officer (or act as representatives when so designated by the contracting officer) in activities such as:

(1) Conduct of conferences to ensure mutual understanding between the Government and the contractor as to scope of the contract, technical and business requirements, and the rights and obligations of the parties.

(2) Technical direction during contract performance and matters relating to product delivery, acceptance, or rejection.

(3) Evaluation of contractor performance, including inspection and testing of products, evaluation of reports and data, subcontract management, utilization of facilities and equipment, cost control, etc.

(4) Contractor systems and procedures evaluation; including accounting policies and procedures, purchasing policy and practices, property accounting and control, wage and salary plans and rate structures, personnel policies and practices, etc.

(5) Modification, renewal, or termination of the contract.

(6) Processing of disputes under the disputes clause and appeals therefrom.

Subpart 34-1.6—Debarred, Suspended, and Ineligible Bidders

§ 34-1.600 Scope of subpart.

This subpart prescribes the policy and procedures of the Department of Education (ED) for (a) the establishment, use, maintenance, and distribution of a debarred, suspended, and ineligible bidders list, (b) the debarment and suspension of bidders for cause and (c) the placement of bidders in ineligible status for violations of the provisions of the Equal Opportunity clause.

§ 34-1.602 Establishment, maintenance and distribution of a list of concerns or individuals debarred, suspended, or declared ineligible (Debarred Bidders List).

(a) ED establishes and maintains a master consolidated list or file of firms and individuals who are administratively or legally debarred from ED contracting and subcontracting and from whom bids and proposals will not be solicited as provided in FPR 1-

1.603. This list will be known as the ED Debarred Bidders List.

(b) Collectively, the following documents shall constitute the ED Debarred Bidders List:

(1) Consolidated List of Current Administrative Debarments by Executive Agencies, and amendments thereto, compiled and published by the Office of Investigation—OA, General Services Administration (GSA). This publication is a combined list of debarred, suspended, and ineligible bidders, compiled from notifications furnished to GSA by executive agencies of the Federal Government.

(2) Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Acts Incorporating Labor Standards Provisions, and amendments thereto, compiled by the Comptroller General of the United States.

(3) Consolidated List of Concerns and Individuals Debarred, Suspended, or Declared Ineligible by the Department of Education to participate in its procurement program under one or more of the bases set forth in FPR 1–1.602–1 and in accordance with the regulations in this Subpart.

(4) Contract, Ineligible List of persons and firms declared ineligible by the Office of Federal Contract Compliance (OFCC) of the Department of Labor to participate in Government contracting or subcontracting by reason of noncompliance with the Equal Opportunity clause.

§ 34–1.602–1 Bases for entry on the ED debarred, suspended, and ineligible list.

The Assistant Secretary for Management or such other person as the Secretary may designate makes the administrative debarment determinations prescribed in FPR 1–1.602–1(d), (f), and (g).

(a)–(d) [Reserved]

(e) The Department Contract Compliance Officer directs that action prescribed by FPR 1–1.602–1(e) be taken.

§ 34–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

Total restrictions. The Assistant Secretary for Management or such person as the Secretary may designate makes the essential determinations required by FPR 1–1.603(a) and (e).

§ 34–1.604 Causes and conditions applicable to determination of debarment.

Determination to debar or take other action concerning a firm or individual for a cause or condition for a specified period of time as provided in § 1–1.604 of this title shall be made by the Assistant Secretary for Management or such other person as the Secretary may designate. Whenever cause for debarment becomes known to any contracting officer, he may submit recommendations for debarment to the Assistant Secretary for Management or such other person as the Secretary may designate through administrative channels. Such recommendations shall be accompanied by the documented file of the case.

§ 34–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) *Initiation of debarment action.* The Assistant Secretary for Management or such other person as the Secretary may designate, after consultation with the Office of General Counsel, shall determine whether the facts are sufficient to warrant debarment. If the decision is not to debar, the Assistant Secretary for Management or such other person as the Secretary may designate will notify the contracting officer recommending the action. If the Assistant Secretary for Management or such other person as the Secretary may designate decides to institute debarment proceedings, a letter will be sent by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall (1) state that debarment is being considered, (2) set forth the reasons for the proposed debarment, and (3) state that such party will be accorded an opportunity for a hearing within 30 days from the date of receipt of such letter.

(b) *Hearings.* Hearings requested in connection with debarment proceedings shall be conducted before the Assistant Secretary for Management or such other person as the Secretary may designate. An opportunity shall be afforded to the firm or individual to appear with witnesses and counsel to present facts or circumstances showing cause why such firm or individual should not be debarred. If the firm or individual elects not to appear, the reviewing authority will make its decision based on the facts on record and such additional evidence as may be furnished by the parties involved. After consideration of the facts, the reviewing authority shall notify the firm or individual of the final decision.

§ 34–1.605 Suspension of bidders.

§ 34–1.605–1 Causes and conditions under which ED may suspend contractors.

Any contracting officer may recommend suspension of bidders for the causes and conditions set forth in FPR 1–1.605–1. These recommendations shall be accompanied by the documented file of the case and be submitted through administrative channels to the Assistant Secretary for Management or such other person as the Secretary may designate for a determination of suspension.

§ 34–1.605–4 Notice of suspension.

The Assistant Secretary for Management or such other person as the Secretary may designate is responsible for notifying bidders of suspensions in accordance with the provisions of FPR 1–1.605–4.

§ 34–1.606 Departmental procedure.

The Assistant Secretary for Management or such other person as the Secretary may designate is responsible for complying with the provisions of FPR 1–1.606.

Subpart 34–1.10—Publicizing Procurement Actions

§ 34–1.1000 Scope of subpart.

This subpart establishes Departmental policy with respect to making solicitations available to interested parties and synopsizing proposed procurements in the Commerce Business Daily.

§ 34–1.1001 General policy.

It is the Department's policy to conduct its procurements in an open fashion, to make procurements known to the public in a timely manner, to foster open and unrestricted competition, and to allow potential bidders and offerors to participate in the procurement process without artificial restrictions.

§ 34–1.1002 Availability of invitations for bids, requests for proposals, and requests for quotations.

(a) Potential offerors/bidders must be allowed a reasonable period of time in which to prepare and submit a response to a solicitation. As a general rule, the response period is to be at least 20 calendar days when procuring standard commercial articles or services, and at least 30 calendar days when procuring other than standard commercial articles or services. The 20 and 30 calendar day response periods begin on the date the solicitation is issued. The response periods are applicable to all formally advertised and negotiated procurements and for small purchases of $5,000 and above, except in cases of unusual emergency.

(b) As indicated in § 1–1.1002, a reasonable number of copies of each solicitation publicized in the Department of Commerce Synopsis, including specifications and other pertinent information, are to be made available by the issuing office for distribution to requesting parties.

(1) A reasonable number of copies is defined as that number of copies necessary to promptly satisfy all requests received for the first 20 calendar days beginning on the date the solicitation is issued. All requests received during the 20-day periods are to be filled. Requests received after the 20-day periods may be filled on a supply available, first-come, first-served basis. If the supply of solicitations is exhausted after the twentieth day, an interested party requesting a copy should be so notified and advised that a copy of the solicitation is available in the issuing office for viewing.

(2) When response periods of less than 20 days for standard commercial articles or services and less than 30 days for other than standard articles or services are used, all requests received during these shorter than preferred periods are to be promptly filled. If a requestor requires a copy of a solicitation after these periods and the supply is exhausted, the requestor should be so notified.

§ 34-1.1003 Synopses of proposed procurements.

§ 34-1.1003-1 [Reserved]

§ 34-1.1003-2 General requirements.

(a)(1)-(7) [Reserved]

(8) The exemption from the requirement to synopsize in § 1-1.1003-2(a)(8) is applicable only when there is to be a noncompetitive procurement for services from one educational institution. When more than one educational institution is to be solicited, the procurement is required to be synopsized in the Commerce Business Daily.

(b) [Reserved]

Subpart 34-1.12—Responsible Prospective Contractors

§ 34-1.1200 Scope of subpart.

This subpart implements the policies set forth in FPR 1-1.12 concerning the responsibility of prospective contractors, minimum standards for responsible prospective contractors, requirements and procedures for the determination of responsibility, and policies regarding the determination of subcontractor responsibility.

§ 34-1.1203 Minimum standards for responsible prospective contractors.

§ 34-1.1203-2 Additional standards.

In addition to the standards set forth in FPR 1-1.1203-1 and -2, a prospective contractor, in order to be determined as responsible must, in the opinion of the contracting officer, meet the following standards as they relate to the particular procurement under consideration.

(a) Have an established system of accounting and financial controls which are determined by the contracting officer to be adequate to permit the effective administration of the type of contract proposed, particularly if under its terms the costs incurred are a factor in determining the amount payable under the contract, or if advance or progress payments are requested.

(b) In determining the adequacy of a prospective contractor's financial resources for the performance of the proposed contract, as required by FPR 1-1.1203-1(a), particular attention shall be given to the ability of the contractor to discharge full financial responsibility for charges and losses of Government-furnished material, when the contractor has responsibility for such material.

§ 34-1.1204 Determination of responsibility or nonresponsibility.

§ 34-1.1204-1 Requirement.

The signing of the contract shall be deemed to be evidence of the contracting officer's affirmative determination that a contractor is responsible within the meaning of FPR 1-1.1202. In the event that a contracting officer determines a prospective contractor to be nonresponsible within the meaning of FPR 1-1.1202, a written determination to this effect shall be made by the contracting officer and placed in the contract file. (See FPR 1-1.708 if a small business concern is involved.)

Subpart 34-1.16—Reports of Identical Bids

§ 34-1.1603 Reporting requirements.

§ 34-1.1603-3 Submission of reports.

(a) In order to ensure expeditious submission, contracting officers shall forward reports required by § 1-1.1603 directly to the Attorney General, Ref. AT-IBR, Washington, D.C. 20530.

(b) A copy of each identical bid report shall be submitted promptly to the Assistant Secretary for Management or such other person as the Secretary may designate.

PART 34-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 34-2.2—Solicitations of Bids

Sec.

34-2.205 Bidders mailing lists.
34-2.205-2 Removal of names from bidders mailing lists.

Subpart 34-2.4—Opening of Bids and Award of Contract

34-2.406 Mistakes in bids.
34-2.406-3 Other mistakes disclosed before award.
34-2.406-4 Disclosure of mistakes after award.
34-2.407 Award.
34-2.407-8 Protests against award.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 34-2.2—Solicitations of Bids

§ 34-2.205 Bidders mailing lists.

§ 34-2.205-2 Removal of names from bidders mailing lists.

Bidders mailing lists shall be reviewed annually to ensure that they contain only accurate and current information which is consistent with the present needs of the procurement office.

Subpart 34-2.4—Opening of Bids and Award of Contract

§ 34-2.406 Mistakes in bids.

§ 34-2.406-3 Other mistakes disclosed before award.

(a) Circumstances permitting the correction or withdrawal of bids are set forth in § 1-2.406-3.

(b) The Assistant Secretary for Management or such other person as the Secretary may designate makes administrative determinations in connection with mistakes in bid alleged after opening of bids and before award.

(c) Each administrative determination shall be approved by the Office of General Counsel.

(d) (1) and (2) [Reserved.]

(3) The data required by § 1-2.406-3(d)(3) will be marked "IMMEDIATE ACTION—MISTAKE IN BID" and submitted, in duplicate, to the Assistant Secretary for Management or such other person as the Secretary may designate for evaluation and administrative determination. The file shall be assembled in an orderly manner and include an index of enclosures.

(4) Since examination of evidence is necessary to determine the proper course of action to be taken, no action will be taken on cases referred by telephone or telegraph.

(5) [Reserved]

(6) Where the evidence submitted by the bidder is incomplete or in need of clarification, the contracting officer shall document the file to indicate efforts to obtain clear and convincing evidence to support the alleged mistake.

(e) Doubtful mistakes in bid shall not be submitted by contracting officers directly to the Comptroller General for advance decisions, but shall be submitted as indicated in paragraph (d)(3) of this section.

§ 34-2.406-4 Disclosure of mistakes after award.

(a)–(c) [Reserved.]

(d) The Assistant Secretary for Management or such other person as the Secretary may designate makes administrative determinations in connection with mistakes in bid disclosed after award.

(e) Each determination shall be approved by the Office of General Counsel.

§ 34-2.407 Award.

§ 34-2.407-8 Protests against award.

(a) *General.* (1) Contracting officers shall consider all protests or objections regarding the award of a contract, whether submitted before or after award, provided the protests are filed in a timely manner. As used in this subsection, the term "filed" means receipt in the contracting office or the General Accounting Office as the case may be. In order to be considered timely, protests based on alleged improprieties in any type of solicitation which are apparent before bid opening or the closing date for receipt of proposals shall be filed prior to bid opening or the closing date for receipt of proposals. In the case of negotiated procurements, alleged improprieties which do not exist in initial solicitations, but which are subsequently incorporated by amendment, must be protested not later than the next closing date for receipt of proposals following the incorporation. In other cases, protests shall be filed not later than ten (10) Federal Government working days after the basis for protest is known or should have been known, whichever is earlier. If a protest has been filed initially with the contracting officer, any subsequent protest to the Secretary, Department of Education or the General Accounting Office filed within ten (10) Federal Government working days of notification of adverse action will be considered provided the initial protest to the contracting officer was timely. Written confirmation of all oral protests shall be requested from protestants and must be timely filed. The protestant shall be notified in writing of the final decision on the protest, and the notification shall set forth the rationale upon which the decision is based.

(2) Reports concerning protests, whether before or after award, shall include the following documentation:

(i) A statement by the procuring activity's headquarters procurement staff office, containing its recommendation, with supporting reasons, as to the merits of the protest.

(ii) The contracting officer's statement of facts and circumstances including a discussion of the merits.

(iii) The contracting officer's conclusions and recommendations including documentary evidence on which they are based.

(iv) A copy of the IFB or RFP.

(v) A copy of the abstract of bids or proposals.

(vi) A copy of the bid or proposal of the successful offeror to whom award has been made or is proposed to be made.

(vii) A copy of the bid or proposal of the protestant, if any.

(viii) The current status of award. When award has been made, this shall include whether performance has commenced, shipment or delivery has been made, or a stop work order has been issued.

(ix) A copy of any mutual agreement to suspend work on a no-cost basis when appropriate (See § 1–2.407–8(c)).

(x) Copies of the notice of protest given offerors and other parties when the notice is appropriate (See § 1–2.407–8(a)(3)).

(xi) A copy of the technical evaluation report required by § 34–3.5104, when applicable, and a copy of each evaluator's rating for all proposals.

(xii) A copy of the negotiation memorandum when applicable.

(xiii) Any other documents which are relevant to the protest.

(xiv) The name and telephone number of the person in the procurement office who may be contacted for information relevant to the protest.

The file shall be assembled in an orderly manner and shall include an index of enclosures.

(3) Copies of the views of interested parties submitted pursuant to § 1–2.407–8(a)(3) shall be furnished to the Departmental Protest Control Officer.

(4) Whenever the contracting officer deems it desirable to obtain the views of higher authority or when submission is required by paragraph (b)(2) of this section, the file shall be forwarded, in duplicate, through procurement channels to the procuring activity's cognizant protest control officer (See paragraph (6), below) and then to the Departmental Protest Control Officer, by the most expeditious means. The file shall be marked "IMMEDIATE ACTION—PROTEST BEFORE AWARD".

(b) *Protest before award.* (1) The contracting officer shall require written confirmation of any oral protest. To be considered timely, the written confirmation must be filed in accordance with paragraph (a)(1) of this section.

(2) In the following cases, written protests received by the contracting officer shall be forwarded, through procurement channels, to the Departmental Protest Control Officer. Files concerning these protests shall be submitted, in duplicate, by the most expeditious means and shall be marked "IMMEDIATE ACTION—PROTEST BEFORE AWARD":

(i) The protestant requests referral to the Secretary of Education;

(ii) The protest is known to have been lodged with the Comptroller General or the Secretary;

(iii) The contracting officer entertains some doubt as to the proper action regarding the protest or believes it to be in the best interest of the Government that the protest be considered by the Secretary or the Comptroller General.

Otherwise, submission of protests to the Departmental Protest Control Officer may be dispensed with by the contracting officer if the contracting officer is satisfied that the protest is without any reasonable degree of foundation. Except as modified in § 1–2.407–8(b)(3) and paragraph (b)(3) of this section, the contracting officer, with the concurrence of the procuring activity's protest control officer and the Office of General Counsel may disallow the protest.

(3) When it is known that a protest against the making of an award has been lodged directly with GAO, a determination to make award under § 1–2.407–8(b)(4) must be approved by the Assistant Secretary for Management or such other person as the Secretary may designate.

(4) If award is made pursuant to § 1–2.407–8(b)(4), the contracting officer shall document the file to explain the need for immediate award and shall notify the protestant and, as appropriate, others concerned, except GAO. Notice will be given to GAO by the Protest Control Officer.

(c) *Protests after award.* (1) The contracting officer shall require written confirmation of any oral protest. To be considered timely, the written confirmation must be filed in accordance with paragraph (a)(1) of this section.

(2) Protests submitted to the Secretary shall be forwarded, through procurement channels, to the Departmental Protest Control Officer and documented in accordance with paragraph (a)(2) of this section. The file shall be submitted, in duplicate, by the most expeditious means and shall be marked "IMMEDIATE ACTION—PROTEST AFTER AWARD."

PART 34–3—PROCUREMENT BY NEGOTIATION

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Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 34–3.1—Use of Negotiation

§ 34–3.103 Dissemination of procurement information.

§ 34–3.103–50 Notifying and debriefing of unsuccessful offerors.

(a) *Policy.* (1) The policy of this Department is to provide a debriefing, when requested in writing, to an offeror that has unsuccessfully competed for an ED procurement. Requests for exceptions or deviations from debriefing policy and procedures shall be submitted to the Assistant Secretary for Management or such other person as the Secretary may designate for approval.

(2) A briefing is intended to:

(i) Tell an unsuccessful offeror which areas of a proposal were judged to be weak and deficient and whether the weaknesses or deficiencies were factors in the offeror not having been selected;

(ii) Identify the factors which were the basis for selection of the successful contractor. If the quality of the successful offeror's proposal to satisfy the mission requirement was the basis, the unsuccessful offeror should be so informed, and given a general comparison of significant areas, but not a point-by-point comparison of all the elements considered in the evaluation criteria. If the successful offeror was selected on the basis of cost, the unsuccessful offeror should be told that such is the case. If selection was based on other factors, they should be specified.

(3) If an unsuccessful offeror feels that a failure to obtain an award was not justified, the offeror will rely, at least in part, on the information received in the debriefing to determine whether to seek recourse. Accordingly, it is essential that a debriefing be conducted in a scrupulously fair, objective, and impartial manner, and that the information given the unsuccessful offeror be absolutely factual and consistent with the findings of the Contracting Officer and the basis on which the award was made.

(4) A debriefing should not reveal:

(i) Confidential or privileged commercial or financial information, trade secrets, techniques, or processes of the other offerors; and

(ii) The relative merits or technical standing of the unsuccessful offerors.

(b) *Procedures.* (1) Once a procurement action has been initiated, through the evaluation process, and even after the selection of a contractor, all queries as to the relative merits of the submitted proposals shall be courteously but firmly directed to the Contracting Officer. All other personnel will avoid exchange of comments with all offerors.

(2) If the procedures set forth in § 34–3.802–1 are utilized, and an award will be made within 30 days after a determination of the competitive range has been made, a preaward notification to offerors regarding whether their proposals are within the competitive range is not required. A preaward notification is required if the procedures set forth in § 34–3.802–2 are utilized or if it will take longer than 30 days after the determination of the competitive range has been made to make an award. The contract file must be documented to show when such a determination is made. If the alternate procedures (§ 34–3.802–2) are utilized, a preaward notification must be given to all offerors at the same time, as soon as practicable, after the determination of the competitive range has been made. The following is a sample preaward notification letter to those offerors considered to be not within the competitive range.

Subject: ED Request for Proposal (RFP) No. ———

Ladies and Gentlemen: Your proposal submitted in response to the subject Request for Proposal (RFP) has been evaluated. Upon examination of your proposal in accordance with the criteria set forth in the RFP, it has been determined that the proposal is not within the competitive range, price and other factors considered. (A brief explanation of the reasons for this determination should also be included in the letter.) No further information is available at this time. You will be notified of any award(s) made as a result of the solicitation.

Notification will include the name of the successful offeror(s) and dollar amount of the resulting contract(s).

Since no further negotiations will be conducted with you concerning the subject

RFP, no revision of your proposal will be considered.

Your interest in our requirements is appreciated.

Sincerely yours,
Contracting Officer.

The preaward notification to offerors whose proposals are outside the competitive range when the procedures specified in § 34–3.802–1 are utilized, need only state that the offeror's proposal was determined to be outside the competitive range and in general terms state the reasons for this determination. In any preaward notification to offerors whose proposals are not within the competitive range particular care should be taken to ensure that the offeror is advised that proposal revisions will not be considered. Whenever a preaward notification is required, the preaward notification to those in the competitive range need only state this fact. A postaward notification will be given to every unsuccessful offeror and it will include the name of the successful offeror(s) and dollar amount of the resulting contract(s). Upon request, in accordance with paragraph (a) of this section, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted. Debriefings of unsuccessful offerors should be conducted only after award has been made. Debriefings may be given before award if the contracting officer determines it is in the best interest of the Government to do so and that such a debriefing would not harm the integrity of the procurement process. Any debriefing which is given before the award of a contract shall be limited to a discussion of the unsuccessful offeror's proposal. Costs and prices proposed by other offerors will not be discussed at preaward debriefings.

(3) All ED employees who receive from an unsuccessful offeror a request, written or oral, for a debriefing shall immediately refer the request to the contracting officer. If the request is made orally the contracting officer shall require that the request be reduced to writing. The contracting officer or a designee shall be present at all debriefings and shall review written debriefings prior to release.

(4) In some cases it may be necessary to arrange informal debriefings for an unsuccessful offeror's personnel by ED evaluation participants. This determination will be made by, and meeting arrangements will be the responsibility of, the contracting officer.

(5) It is most important that all ED personnel engaged in the evaluation and selection process be aware of the foregoing policies and procedures. Detailed and complete records of the procurement will be maintained by key technical and contracting personnel in a manner which will facilitate either a written or an oral debriefing of any unsuccessful offeror.

(c) *Report.* When a debriefing is held, a brief report, summarizing the results of the debriefing, will be prepared and placed in the contract file.

Subpart 34–3.2—Circumstances Permitting Negotiation

§ 34–3.200 Scope of subpart.

The citation of authority under which a contract is negotiated shall be referenced to the statutory provisions, for example, the proper citation for use of the exception contained in § 1–3.211 of this title is: 41 U.S.C. 252(c)(11). The citation of authority to negotiate under other law (§ 1–3.215 of this title) shall be as prescribed in § 34–3.215.

§ 34–3.201 National emergency.

Limitations. This authority shall not be used for other than (a) assistance to labor surplus areas or small business concerns, and (b) administration of the Balance of Payments Program, without the prior written approval of the head of the procuring activity, or a designee.

§ 34–3.204 Personal or professional services.

Limitations. This authority shall not apply to the procurement of management consultant services.

§ 34–3.205 Services of educational institutions.

(a) [Reserved]

(b) *Limitations.* (1) This authority shall be used only for the procurement of specialized noncommercial services which are customarily performed by educational institutions. Use of this authority for any service other than those listed in § 1–3.205(a) of this title shall require a written determination with supporting facts by the head of the procuring activity that the particular type of service is available only from educational institutions.

(2) Proposals shall be solicited from as many educational institutions as are known to possess the required capability. This shall be consistent with § 1–3.101(c). Solicitation of a single educational institution shall require a written "Justification for Noncompetitive Procurement" in accordance with the requirements of Subpart 34–3.8.

(3) Where the circumstances of both paragraphs (f) (1) and (2) of this section pertain in the same case, the required determinations shall be combined and made by the head of the procuring activity.

§ 34–3.206 Purchases outside the United States.

This authority shall be used in preference to any other authority under the circumstances set forth in § 1–3.206 of this title.

§ 34–3.210 Impracticable to secure competition by formal advertising.

(a) *Application.* (1) Negotiation under § 1–3.210 of this title shall be conducted on a competitive basis to the maximum practicable extent; except, when negotiation is justified under the circumstances specified in § 1–3.210(a)(1) of this title.

(2) The illustration specified in § 1–3.210(a)(3) of this title shall apply only if the negotiation is for the identical requirements specified in the unresponsive bid. If specification deviations are authorized or if delivery, quantity, or other requirements are changed, the revised requirements shall be readvertised or, if appropriate, negotiated under one of the other authorities prescribed in Subpart 1–3.2 of this title.

(3) Cases of doubt in applying the illustration specified in § 1–3.210(a)(13) of this title shall be resolved in favor of formal advertising.

(b) *Limitations.* This authority shall not be used when negotiation is authorized by any other authority set forth in §§ 1–3.201 through 1–3.215 of this title.

§ 34–3.211 Experimental, developmental, or research work.

Limitations. Whenever more than single unit quantities of equipment or supplies are to be procured under this authority, the quantity shall be justified as reasonable and essential by the program authority submitting the procurement request.

§ 34–3.212 Purchases not to be publicly disclosed.

Limitations. This authority shall be used in preference to any other authority when competition is to be limited because of the need for nondisclosure (also see § 1–1.1003 of this title).

§ 34–3.215 Otherwise authorized by law.

When other statutory authority is the basis for negotiation, the proper citation for the contract is 41 U.S.C. 252(c)(15) plus the section number, title of the Act, and the Pub. L. number (or U.S.C. citation) of the statute which permits negotiation. For example, the proper citation in a contract for the procurement of expert and consultant

service would be 41 U.S.C. 252(c)(15) and 5 U.S.C. 3109.

Subpart 34–3.3—Determinations, Findings, and Authorities

§ 34–3.301 General.

(a) Determinations and findings which authorize negotiation of contracts and determinations which support other procurement actions shall be made in accordance with § 34–3.303.

(b) Class determinations and findings shall be justified on the basis of need to avoid processing multiple determinations and findings when more than one contract must be negotiated under the same negotiation authority for the same program or project. The multiple procurements must be for items or services which are to be negotiated at or near the same time and are so related as to constitute a logical and distinct class. All class determinations and findings shall be limited to a period of 1 year or less, except that those determinations and findings required by § 1–3.211 may be authorized for 3 years.

§ 34–3.302 Determinations and findings required.

The following determinations in connection with the negotiation of contracts are required to be made in writing, supported by written findings.

(a) The determination required by section 304(b) of the Act (41 U.S.C. 254(b)) as to estimated cost of, and fees to be paid under, cost-plus-a-fixed-fee contracts (see §§ 1–3.401, 1–3.405–4, and 1–3.405–5(c)(2));

(b) The determination required by section 304(b) of the Act that the use of a cost or a cost-plus-a-fixed-fee contract or an incentive-type contract is likely to be less costly than other methods or that it is impracticable to secure property or services of the kind or quality required without the use of a cost or cost-plus-a-fixed-fee contract or an incentive-type contract (see §§ 1–3.404–4 and 1–3.405–1 of this title):

(c) The determination required by section 303(b) of the Act (41 U.S.C. 253(b)) that it is in the public interest to reject all bids:

(d) The determination required by section 305(c) of the Act (41 U.S.C. 255(c)) that the making of advance payments would be in the public interest (see § 1–30.405 of this title);

(e) The determinations required with respect to waiving a requirement for the submission of cost or pricing data and the certification thereof (see § 1–3.807–3(b) of this title) and for the inclusion of the clauses required by §§ 1–3.814–1 through 1–3.814–3 of this title in contracts with foreign governments or agencies thereof.

(f) The determinations required by section 304(c) of the Act (41 U.S.C. 254(c)) and Subpart 1–6.10 of Part 1–6 with respect to omitting the clause specified in § 1–7.101–10 or § 1–7.602–7 of this title from contracts with foreign contractors or subcontractors regarding the right of the Comptroller General of the United States to examine the contractor's records when it is determined (1) that the omission will serve the best interests of the United States, or (2) that the public interest will best be served by the omission (see § 1–6.1001 of this title).

(g) Exceptions to the restrictions of the Buy American Act (41 U.S.C. 10(a–d) and determinations under the Balance of Payments Program; see Part 1–6 of this title.

(h) Use of time and materials or labor-hour type contract (see § 1–3.406 of this title).

(i) Acquisition of construction of equipment or facilities on property not owned by the United States pursuant to 42 U.S.C. 241(g).

(j) Use of letter contracts (see § 1–3.408).

§ 34–3.303 Determinations and findings.

The following determinations and findings shall be made by the Assistant Secretary for Management or such other person as the Secretary may designate:

(a) The determination required by § 1–3.211 of this title with respect to contracts which will require expenditure in excess of $25,000.

(b) The determinations required by §§ 1–3.212 of this title and 34–3.213 of this part.

(c) The determinations required by § 1–3.213 of this title.

(d) The determination required for the omission of the Examination of Records clause from contracts with foreign contractors or subcontractors (see § 1–6.1004 of this title).

(e) Determinations in accordance with § 1–6.103–3.

(f) The determination required by § 1–3.302(d) that the making of advance payments is in the public interest.

(g) The determination required by § 1–3.201 for reasons other than:

(1) Assistance to labor surplus areas or small business concerns, and

(2) Administration of the Balance of Payments Program.

(h) The determinations and findings required by §§ 1–3.202 and 1–3.214.

(i) The determinations and findings required by §§ 1–3.302(c) and 1–3.302(e).

(j) The determinations which support exceptions to restrictions of the Buy American Act (41 U.S.C. 10(a–d)) and the determinations and deviations required by Subpart 1–6.8 in administration of the Balance of Payments Program.

(k) All class determinations and findings.

(l) The determinations required by § 1–3.406 with respect to the use of time and materials and labor hour contracts.

§ 34–3.304 Determination and findings by the contracting officer.

The following determinations and findings shall be made by the contracting officer:

(a) The determinations required by §§ 1–3.207; 1–3.208, 1–3.210; and 1–3.215, if any.

(b) The determination required by § 1–3.211 for contracts not in excess of $25,000.

(c) The determinations required by § 1–3.302 (a) and (b).

(d) Any other determinations and findings not required to be made by higher authority.

Subpart 34–3.4—Types of Contracts

§ 34–3.405 Cost-reimbursement type contracts.

§ 34–3.405–5 Cost-plus-a-fixed-fee contract.

(a)—(b) [Reserved]

(c) *Limitations.* (1) [Reserved]

(2) Proposed fixed fees under cost-plus-a-fixed-fee contracts which exceed the following limitations shall be approved by the Assistant Secretary for Management or such other person as the Secretary may designate:

(i) Ten percent of the estimated cost, exclusive of fee, or any cost-plus-a-fixed-fee contract for experimental, developmental, or research work.

(ii) Seven percent of the estimated cost, exclusive of fee, of any other cost-plus-a-fixed-fee contract.

§ 34–3.408 Letter contract.

(a) *Definition.* A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of work or services.

(b) *Policy.* The policy of the Department of Education is not to issue letter contracts. Exceptions to this policy will be permitted only in those cases where all matters of a substantive nature, such as statements of work, delivery schedules, and general and special clauses have been resolved and agreed upon.

(c) *Application.* A letter contract may be entered into only when: (1) The urgency of the requirement necessitates that the contractor be given a binding commitment so that work can commence immediately, (2) preparation

of a definitive contract in sufficient time to meet Departmental requirements is not possible, and (3) prior approval has been obtained. (For approval levels, see paragraph (d) of this section.)

(d) *Approval.* Any letter contract must be approved by the Assistant Secretary for Management or such other person as the Secretary may designate.

(e) *Limitations.* (1) A letter contract shall not be entered into without competition when competition is practicable.

(2) A letter contract shall be superseded by a definitive contract at the earliest practicable date, but in no event later than 150 days after the date of execution of the letter contract.

(3) The maximum fund liability of the Government, stated in the letter contract, will be limited to only that amount determined essential to cover the contractor's requirements for funds prior to definitization.

§ 34-3.450 Unauthorized types of agreements.

§ 34-3.450-1 Letters of intent.

(a) *Description.* A letter of intent is an informal, unauthorized agreement between the Government and a prospective contractor which indicates that products or services will be produced after completion of funding and/or other contractual formalities. Such letters of intent are often solicited by prospective contractors or may be originated by Government personnel.

(b) *Policy.* (1) The practice of issuing letters of intent is not authorized by the Federal Procurement Regulations and is therefore prohibited. ED personnel shall not issue such letters for the following reasons:

(i) While such letters of intent may disclaim Government liability, they may induce potential contractors to initiate costly preparations in anticipation of contract award.

(ii) Procurements announced in such letters do not always materialize. The result may be costly to the Government, the prospective contractor, or both. If the author of the letter of intent is an authorized contracting agent of the Department, the Government may be bound by the action, even though the action is contrary to sound procurement practices and/or fiscal regulations. If the author of the letter of intent lacks procurement authority, the prospective contractor may incur substantial expenditures for which the contractor may not recover from the Government, but for which the contractor may seek to hold the unauthorized author personally liable. (See Subparts 1-1.4, of this Title and 34-1.4 of this chapter.)

(iii) The issuance of a letter of intent may violate the "Anti-Deficiency Act" (31 U.S.C. 665).

(2) It is recognized that potential contractors have a need to obtain procurement information at the earliest possible moment in order to make timely preparations. To this end, procurement personnel are expected to move as efficiently and expeditiously as possible on all procurement actions. It is not permissible, however, to issue letters of intent to circumvent the requirements of FPR and EDPR.

(c) *Exceptions.* The prohibition against letters of intent does not preclude the award of contracts conditioned upon the availability of funds under conditions which warrant such contracts (see § 34-1.354 of this chapter).

§ 34-3.450-2 Memorandums of understanding.

(a) *Description.* A "memorandum of understanding" is an unauthorized agreement, usually drafted during the course of negotiations, to modify mandatory FPR and EDPR provisions in such a manner as to make them more acceptable to a prospective contractor. Such memorandums may bind the contracting officer and his successors not to exercise rights given the Government under the contract, or may contain other matters directly contrary to the language of the solicitation or prospective contractual document.

(b) *Policy.* Use of memorandums of understanding described in paragraph (a) of this section, is not authorized. Any change in a solicitation or contract shall be made by amendment or modification to that document. When a change to a prescribed contract clause is considered necessary, a deviation shall be requested.

Subpart 34-3.6—Small Purchases

§ 34-3.600 Scope of subpart.

This subpart prescribes the policies and procedures for purchases of supplies and nonpersonal services when the aggregate dollar amount in any one transaction does not exceed $10,000. Purchases not in excess of $10,000 which are accomplished in accordance with the policies and procedures of this subpart 34-3.6 shall be termed "small purchases." Small purchase methods included in this subpart include solicitations made either orally, or in writing using a SF-18, and award via Standard Form 147 (Order for Supplies or Services); Standard Form 44 (Purchase Order-Invoice-Voucher); Blanket Purchase Agreements (BPA), or Imprest Funds. Procurements not in excess of $10,000 which are accomplished by more formal negotiation methods other than those prescribed in this subpart and which are negotiated pursuant to 41 U.S.C. 252(c)(3), are also defined as small purchases. In arriving at the "aggregate dollar amount" involved, all supplies and services must be included which would be properly grouped together in a single advertisement for bids if the procurement were being effected by formal advertising. The amount of $10,000 includes the total price of the order including all estimated handling and freight charges to be paid to the prospective contractor. Requirements aggregating more than $10,000 shall not be broken down into several purchases which are $10,000 or less merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under §§ 1-3.6 and 34-3.6.

§ 34-3.601 Purpose and applicability.

(a) *Purpose.* The objective of the simplified small purchase methods prescribed herein is to reduce administrative costs to the extent possible within the limits of applicable laws and regulations.

(b) *Applicability.* (1) The policies and procedures in 1-3.6 and this subpart shall not be used for the following:

(i) Procurements which are accomplished through delivery orders issued under indefinite delivery contracts, e.g., definite quantity contracts, requirements contracts, and indefinite quantity contracts.

(ii) Procurements made by formal advertising or negotiation other than by § 1-3.203, which were initially estimated to exceed $10,000, but ultimately resulted in a preaward price of $10,000 or less.

(iii) Small purchases which are initially estimated not to exceed $10,000, but ultimately result in a preaward price in excess of $10,000. If the price exceeds $10,000, the authority of 41 U.S.C. 252(c)(3) may not be used.

(iv) Construction requirements estimated to exceed $2,000. However, if the initial estimate is $2,000 or less but the ultimate preaward dollar amount resulting from quotations received exceeds $2,000, but does not exceed $2,500, award may be made pursuant to the policies and procedures of § 1-3.6, this subpart, and the authority in 41 U.S.C. 252(c)(3) which is permitted by § 1-18.302. (See § 1-18.3 for policies and procedures pertaining to the procurement of construction by negotiation.)

(v) Procurement of architect-engineer professional services of any dollar amount. (See §§ 1-4.10 and 1-16.7 for

policies, procedures, and forms pertaining to the procurement of A & E services.)

(2) This subpart does not preclude the use of bilateral purchase orders, Standard Forms 19 and 19B for construction contracts under $2,000 (see § 1–16.402–1), or a negotiated two-party formal contract for procurement not in excess of $10,000 where the procurement requires a specific contract provision relating to technical inspection or test, specification changes, government furnished property, insurance, patents, price adjustments, or the like.

§ 34–3.602 Policy.

(a) *Negotiation Authority.* Negotiated contracts or purchases aggregating $10,000 or less shall be made under the authority of 41 U.S.C. 252(c)(3) and § 1–3.203 rather than under any of the other sections in § 1–3.2. For example, small purchases for expert or consultant services shall be made under 41 U.S.C. 252(c)(3) and 1–3.203 rather than 41 U.S.C. 252(c)(15) and 5 U.S.C. 3109, and small purchases which are set-aside for small business unilaterally or jointly shall be made under the authority of 41 U.S.C. 252(c)(3) and 1–3.203 rather than 41 U.S.C. 252(c)(1) or 41 U.S.C. 252(c)(15). The negotiation authority shall be cited on the face of the Standard Form 147.

(b) Placement of small purchases with small business concerns, labor surplus area concerns, and minority business enterprises shall be encouraged to the extent consistent with the objectives of this subpart. When source lists are maintained for procurements of $10,000 or less, these source lists should include known concerns in these categories. These concerns and enterprises shall be given opportunities, at least equal to other firms, to submit quotations in response to small purchase solicitations.

(c) *Mandatory Sources.* Purchases shall be made in the open market only when requirements cannot be satisfied by requisition or order from mandatory sources in accordance with Part 1–5 or Federal Supply Schedule contracts in accordance with FPMR 101–26.4.

(d) *Limitations on the use of Small Purchase Methods.* (1) The contracting officer has the responsibility and authority to determine which purchase method is most suitable, efficient, and economical for use in meeting the immediate requirement.

(2) The small purchase methods are designed to procure defined, off-the-shelf, standard supplies, equipments, or services which may be awarded on the basis of a fixed price quotation. Small purchase methods should not be used to procure R & D, complex studies, services, and the like (which require judgmental technical evaluations and involved negotiations) where the award cannot be confidently made on the low price. Where procurements are not suitable for accomplishment using small purchase methods more formal negotiation methods or formal advertising should be used.

(3) Small purchases accomplished in accordance with this subpart may not be awarded on a cost-reimbursement basis.

(4) *Consultants.* Small purchase methods should be used with great prudence for the procurement of consultants to avoid the increased possibility at the higher dollar level of $10,000, of using consultants in an improper personal service capacity.

(5) Delegations of contracting officer authority for small purchases may be selectively increased from $2,500 up to $10,000 provided purchasing agents have met the selection requirements and have a working knowledge of the requirements of this subpart. Personnel responsible for making and approving small purchases should acquire formal training in this area.

§ 34–3.603 Competition.

§ 34–3.603–1 Solicitation.

(a) Small purchases not exceeding $250 may be accomplished without securing competitive quotations where the prices are considered reasonable, but such purchases shall be distributed equitably among qualified suppliers. Records of purchases of $250 or less need not include justification for soliciting only a single source or a justification explaining how prices were determined to be reasonable. Operating agencies may reduce this limitation in accordance with agency requirements.

(b) For purchases between $250 and $2,500, solicitation generally may be limited to three suppliers.

§ 34–3.603–2 Data to support small purchases.

See § 1–3.603–2.

§ 34–3.603–50 Conduct of small purchases.

(a) *Purchases not in excess of $500.* (1) Competition. Purchases not in excess of $500 may be accomplished without securing competitive quotations. Such purchases are exempt from § 34–3.802–50 which requires a written justification for noncompetitive procurement. Purchases shall be distributed equitably among qualified sources. Purchases not in excess of $500 shall not be made repetitively to one source except for reasons which will clearly and convincingly justify a noncompetitive procurement in accordance with § 34–3.802–50. Where there are multiple sources available to provide an item or service, a quotation should be solicited from other than the previous source prior to placing a repeat order.

(2) Solicitation of Quotations. Quotations for purchases not in excess of $500 should usually be made orally but may be made in writing. If written solicitations are used, they must be accomplished in accordance with § 34–3.603–50(b)(6)(ii).

(3) Evaluation of price. The administrative cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects that, or has information to indicate that, the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved. No written determination as to the reasonableness of the price is required except in instances where there is serious doubt as to the reasonableness of the price.

(b) *Purchases in excess of $500 up to $10,000.* The following describes the major considerations and steps involved in making purchases in excess of $500 up to $10,000.

(1) *Specification-statement of work.* The purchase requirement as described in a specification or statement of work must be clear and complete. Clarity is important to achieve effective competition because it enables all potential quoters to reach a common understanding of the requirement. A complete expression of the Government's requirement reduces potential misunderstandings in competitive procurements and increases the probability that the Government will receive what is actually required.

(2) *Notice of intention to make a service contract.* The requirement in § 1–12.905–3 to forward a Standard Form 98, Notice of Intention to Make a Service Contract, to the Department of Labor for any contract exceeding $2,500 also applies to small purchases over $2,500.

(3) *Competition.* Solicitation of competitive quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered. Generally, three is a reasonable number of sources for purchases in excess of $500 but under $5,000. More than three sources may be solicited at the discretion of the contracting officer. A reasonable

number of sources for purchases of $5,000 up to $10,000 is a minimum of three. A maximum number cannot be specified apart from considering the nature of the requirement to be purchased.

(4) *Noncompetitive purchases.* Purchases in excess of $500 up to $10,000 which are made noncompetitively require justification as to why competition was not obtained. The justification, which may be in the form of a statement in the request for contract or requisition must address the considerations in § 34–3.802–50. The contracting officer may approve or disapprove the justification. Award of the contract or purchase order up to $10,000 by the contracting officer shall constitute approval of the justification.

(5) *Synopsis (1–1.10).* Small purchases of $5,000 and above shall be synopsized in the Commerce Business Daily in accordance with § 1–1.10 unless one of the exceptions in § 1–1.1003–2 applies. Synopses shall be sent to the Commerce Business Daily and due dates for receipt of quotations shall be timed so that there is a reasonable time for potential quoters to request RFQ's and submit quotations. Generally the synopsis should be mailed to the Commerce Business Daily 10 days prior to but not later than the day the SF–18 is released. Approximately 30 days should be planned between publishing of the synopsis and the due date for receipt of quotations. The synopsis should contain notice that the requirement is a small purchase.

(6) *Solicitation of quotations.* (i) Solicitations for purchases under $5,000 may be solicited either orally or in writing. Data to support oral solicitations shall be in accordance with § 1–3.603–2. Written solicitations should be used when (A) the sources are located outside the local area, (B) special specifications are involved, (C) a large number of items are included in a single proposed procurement, or (D) obtaining oral quotations is not considered efficient. Written solicitations for purchases under $5,000 shall be prepared in accordance with the following paragraph § 34–3.603–50(b)(6)(ii).

(ii) Written solicitations should be used for all purchases estimated to be $5,000 up to $10,000. Standard Form 18, Request for Quotations, shall be used for written solicitation of quotations in accordance with § 1–16.201. Written competitive solicitations shall contain the following elements as a minimum.

(A) Specification or Statement of Work.

(B) Delivery schedule.

(C) Quantity.

(D) Add the clauses as required by § 34–3.605–2(b)(3) and (4).

(E) Add the Certifications and Representations as required by § 34–3.605–2(b)(5).

(F) Cite the negotiation authority of 41 U.S.C. 252(c)(3).

(G) State the due date for receipt of quotations and include the provision prescribed by § 1–3.802–1 regarding consideration of late proposals.

(iii) Amendment of Request for Quotation—Prior to Closing Date.

(A) If after issuance of a request for quotations, but before the closing date of their receipt, it becomes necessary to make significant changes in quantity, specifications, delivery schedules or any change in closing dates, or to correct a defect or ambiguity, such change shall be accomplished by issuance of an amendment to the request. Requests for quotations using the SF–18 may be amended by letter. Oral requests for quotations may be amended orally.

(B) When it is considered necessary to issue an amendment to a request for quotations, the period of time remaining before closing and the need for extending this period by postponing the time set for closing must be considered. Where only a short time remains before the time set for closing, extension of time may be made by telegram or telephone. Such notification should be confirmed in the amendent.

(C) Any information given to one potential quoter concerning a request for quotations shall be furnished promptly to all other potential quoters in an amendment to the request, if such information is necessary to potential quoters in submitting quotations, or if the lack of such information would be prejudicial to uninformed potential quoters.

(7) *Late quotations.* The policy of § 1–3.802–1, *Consideration of Late Proposals,* is made applicable by this regulation to written small purchase quotations received after the time set for receipt at the purchasing office. Any oral quotation received at the purchasing office after the time set for receipt shall not be accepted. Because late written quotations shall not be considered except as provided for in § 1–3.802–1 it is important to allow potential quoters enough time to submit their quotations.

(8) *Selection of quoter for award.* Awards will be made to the lowest responsible quoter.

(9) *Evaluation of price.* Some form of price or cost analysis should be made on each small purchase over $500 to determine that the proposed price is reasonable in accordance with the guidance in § 1–3.807–2. When competitive quotations are received and award is made to the lowest priced quoter, and the contracting officer concludes that the lowest price is reasonable, no written determination of price reasonableness is required. When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting the lower quotation shall be included in the purchase order file by notation on the worksheet or by a separate memorandum. When only one quotation is received, a written determination of price reasonableness is required.

(10) *Award documents.* (i) Small purchase awards shall generally be made using the Standard Form 147 in § 1–16.301–2. If special conditions require, a two party formal contract may be issued under $10,000.

(ii) Clauses required by § 34–3.605–2(b)(3) and (4) shall be incorporated in the SF–147 by reference or shall be physically attached.

(iii) *Modifying a purchase order.* (A) Standard Form 30 or other functionally equivalent forms shall be used to modify the purchase order for administrative or other changes.

(B) Modifications making administrative changes such as the correction of typographical errors, changes in paying office and changes in accounting and appropriation data do not require contractor acceptance. In addition, the issuance of no cost amended shipping instructions which modify unilateral purchase orders and which have been concurred in by the contractor by telephone or letter do not require contractor acceptance by signature on the Standard Form 30.

(C) To otherwise modify the purchase order, and if not previously included in the purchase order, the changes clause in § 1–7.102–2 shall be incorporated in the Standard Form 30 (Amendment of Solicitation/Modification of Contract), and the contractor acceptance obtained by his signature on the Standard Form 30. Subsequent changes pursuant to the Changes clause shall not require contractor acceptance. However, other modifications outside the scope of the changes clause, such as the addition of the Government Property Clause, shall require contractor acceptance by signature on the Standard Form 30.

(iv) *Termination of purchase orders.* A purchase order which has not been accepted in writing or by delivery by the prospective contractor may be withdrawn or canceled by the contracting officer any time prior to acceptance. Notice of withdrawal or cancellation shall be in writing and shall request the prospective contractor's acknowledgement thereof. If the

contractor has accepted the purchase order in writing or on a subsequently issued Standard Form 30, and it later becomes necessary to terminate the purchase order, the contractor should be asked to agree to cancellation of the order without cost or liability to either party. If the contractor agrees, the cancellation shall be effected by use of Standard Form 30, as a No-Cost settlement in accordance with § 1–8.209–4, signed by the contracting officer and the contractor. If the contractor does not agree to a no-cost settlement of a purchase order which has been accepted, termination of a purchase order will be processed in accordance with the Termination for Convenience clause and Part 1–8 of Title 41.

(11) *Debriefings and notification of unsuccessful quoters.*

(i) Debriefings shall be provided in accordance with § 34–3.103–50 to unsuccessful quoters upon their request.

(ii) The notification of unsuccessful offerors in § 34–3.103–50(b)(2) is not applicable to procurements of $10,000 or less.

(12) *Protests.* There is nothing which prevents a quoter or an interested party from protesting against the placement or manner of handling a small purchase. Protests against small purchases shall be processed in accordance with § 34–2.407–8.

(c) *Close out.* Purchasing offices shall initiate the close out of small purchase files upon determination by the office accumulating the file that the order is complete. An order is completed when (1) the contractor has completed the required deliveries or supplies and the Government has inspected and accepted such supplies, (2) the contractor has performed all services and the Government has accepted such services, or (3) notice of termination has been given to the contractor by the Government or the parties mutually agree to a no cost cancellation. Rental, use, and storage agreements shall be considered to be complete when a notice of termination has been issued or the period has expired.

(d) *Reports of small purchases.* [Reserved]

§ 34–3.605 Purchase order forms.

§ 34–3.605–1 Standard Form 44, Purchase Order-Invoice-Voucher.

(a)–(c) [Reserved]

(d) *Instructions for use.* The responsible procurement office will instruct the user as to limitations and procedures for use of SF–44 as outlined in 1–3.605–1.

(e) *Agency implementation.* Since SF–44 is an accountable form, a record shall be maintained of serial numbers of forms, to whom issued and date issued. SF–44's shall be kept under adequate lock and key to prevent unauthorized use. A reservation of funds shall be established to cover total anticipated expenditures prior to use of SF–44.

§ 34–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) *General.* SF–147 and SF–148 are mandatory for use in the Department as the standard purchase order forms for small purchases not in excess of $2,500.

(1) [Reserved]

(2) SF–147 and 148 are mandatory for use in the Department as the standard purchase order forms for small purchases not in excess of $10,000.

(b) *Terms and conditions.*

(1)–(2) [Reserved]

(3) The following terms and conditions shall be added or otherwise incorporated by reference whenever Standard Forms 18 and 147 are used for small purchases in excess of $2,500:

(i) *Examination of records by Comptroller General.* § 1–7.103–3.

(ii) *Listing of employment openings.* § 1–12.1102–2.

(iii) *Employment of the handicapped.* § 1–12.1304.

(iv) *Termination for convenience of the government.* § 1–8.705.

(4) The following terms and conditions shall be added or incorporated by reference whenever required by the Federal Procurement Regulations:

(i) *Utilization of small business concerns.* § 1–1.710–3(a). (All actions which may exceed $5,000.)

(ii) *Utilization of labor surplus area concerns.* § 1–1.805–3(a). (All actions which may exceed $5,000.)

(iii) *Utilization of minority business enterprises.* § 1–1.1310–2(a). (All actions which may exceed $5,000.)

(iv) *U.S. products and services (Balance of Payments Program).* § 1–6.806–4. (All actions subject to the Balance of Payments Program in excess of $2,500.)

(v) *Contract work hours and Safety Standards Act.* § 1–12.303. (All actions in excess of $2,500 which are not subject to the Service Contract Act of 1965.)

(vi) *Service Contract Act of 1965.* § 1–12.904–1. (Service contracts in excess of $2,500.) For services contracts not exceeding $2,500 use the clause in § 1–12.904–2.

(5) The following are the Certification requirements applicable to small purchases when the SF–147 is used.

(i) *The Certification of independent price determination.* § 1–1.317 is not applicable to small purchases.

(ii) *The Buy American Certificate.* (§ 1–6.104–3).

(iii) Labor Surplus Area Representation should be obtained when a labor surplus area set-aside has been made and for use in deciding between equal priced quotations.

§ 34–3.606 Blanket purchase arrangements.

§ 34–3.606–4 Documentation.

Each blanket purchase arrangement (BPA) shall be documented by issuance of a contractual instrument appropriately numbered. Each BPA shall contain the following provisions:

(a) Authorization to the supplier to furnish the supplies or services described in general terms, when ordered by authorized personnel listed therein.

(b) A statement that individual orders will not exceed $5,000 per call.

(c) A statement that the Government will be obligated only to the extent of the calls placed against the BPA by authorized personnel.

(d) A stipulation that the supplier's established discounts will apply to calls placed against the BPA.

(e) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, call number, date of call, name of individual placing the call, an itemized list of supplies or services furnished including unit price and extension of each item, applicable discount, date of delivery and the signature of the Government employee receiving the item or service.

(f) A requirement that the supplier shall submit an itemized invoice at least once each month or upon expiration of the BPA, whichever occurs first, covering all deliveries made during the billing period for which payment has not been received.

(g) Each BPA shall cite 41 U.S.C. 252(c)(3) as authority for negotiation.

§ 34–3.606–5 Agency implementation.

(a) The procurement office shall review the blanket purchase arrangement files at least annually to assure that authorized procedures are being followed. In addition, the procurement office shall review and update as required each blanket purchase arrangement at least annually.

(b) Delivery tickets signed by the Government employee receiving the item or service will be forwarded to the fiscal office or other paying office as designated by the operating agency. Payment will be made on the basis of the delivery tickets and properly itemized invoice. Procurement activities will ensure that established procedures allowing for availability of funds are in effect prior to placement of orders.

(c)(1) Competition under BPAs will be obtained in accordance with EDPR 34–3.603–1(a) and (b): When concurrent agreements are in effect for similar items, orders not in excess of $250 shall be equitably distributed. Where there is an insufficient number of BPAs for any given class of supplies or services to assure adequate competition on orders in excess of $250, the individual placing the order shall solicit quotations from other sources.

(2) Individual orders shall be recorded in simple form as determined by the operating agency. Orders will be numbered in sequence in a separate series for each BPA and will consist of the BPA number followed by the serial number of the order.

(d) [Reserved]

(e) Delivery tickets signed by the Government employee receiving the item or service will be forwarded to the fiscal office or other paying office as designated by the operating agency. Payment will be made on the basis of the signed delivery tickets and properly itemized invoice. Procurement activities will ensure that established procedures allowing for availability of funds are in effect prior to placement of orders.

(f) [Reserved]

(g)(1) Competition under BPA's will be obtained in accordance with § 34–3.603–50(a)(1) and (b)(3). When concurrent agreements are in effect for similar items, orders not in excess of $500 shall be equitably distributed. Where there is an insufficient number of BPA's for any given class of supplies or services to assure adequate competition on orders in excess of $500, the individual placing the order shall solicit quotations from other sources in addition to the BPA source(s), or establish additional BPA's.

(2) Individual orders shall be recorded in simple form as determined by the operating agency. Orders will be numbered in sequence in a separate series for each BPA and will consist of the BPA number followed by the serial number of the order.

Subpart 34–3.8—Price Negotiation Policies and Techniques

§ 34–3.802 Preparation for negotiation.

§ 34–3.802–2 Alternate procedures for consideration of late proposals.

(a) The Assistant Secretary for Management or such other person as the Secretary may designate shall make the determination set forth in § 1–3.802–2.

(b)–(e) [Reserved]

(f) Generally, contracting officers, assisted by audit or pricing personnel, will be able to make a determination of the significance of any reduction in cost or price to the Government offered by a late proposal. In order to determine if a late proposal offers a significant technical advantage to the Government, the contracting officer will first obtain a written statement from the individual responsible for the technical evaluation of proposals. The statement must clearly demonstrate that it is advantageous to the Government to consider the late proposal. It must also state what the proposal's significant advantages are and why they are important to the Government. This statement must be approved at a level equal to that of Division Director of the Program Office. The contracting officer will make the determination whether or not to consider the late proposal based on the data set forth in the statement from the individual responsible for the technical evaluation of proposals.

(g) Determination of the competitive range shall be made in accordance with § 34–3.5107. Debriefings of unsuccessful offerors shall be made in accordance with § 34–3.103–50.

§ 34–3.802–50 Noncompetitive procurements.

(a) *Purpose.* This subsection states the policies and procedures applicable to all noncompetitive procurements. It describes the criteria for use in determining whether a procurement may be made noncompetitively, describes the justification documents required, and prescribes review and approval requirements.

(b) *Policy.* (1) All negotiated procurements will be conducted competitively as required by FPR 1–1.301–1, 1–1.302–1(b), and 1–3.101(d) unless there are compelling and convincing reasons and/or circumstances which justify a noncompetitive procurement. Procurements should be conducted competitively to obtain the benefits of competitive prices and to stimulate bidders, offerors and current contractors who desire contracts to exert their best efforts to deliver high quality physical and conceptual products. Although competition is the rule, it is recognized that there are certain instances where a noncompetitive procurement may be necessary. Where a noncompetitive procurement can be justified, affirmative action must be taken whenever possible to avoid the need for subsequent or continuing noncompetitive procurements.

(2) Submission of an unsolicited proposal can also lead to a noncompetitive procurement. In this circumstance, the initiating program office may recommend, for approval by the appropriate authority listed in paragraph (i) of this section, that a noncompetitive procurement be made to only one organization or individual to perform the required work or services. This recommendation shall be in writing and prepared as a document entitled "Justification for Acceptance of Unsolicited Proposal" that shall set forth information required by § 34–4.5203–3. A solicitation for a noncompetitive procurement shall not be issued, and negotiations with a source that submitted an acceptable unsolicited proposal shall not be undertaken, in advance of approval in accordance with § 34–3.802–50(i).

(c) *Exceptions.* The provisions of this subsection will apply to all negotiated procurements except:

(1) Procurements of $500, or less (see § 34–3.603–50(a));

(2) Procurements of professional services, e.g., for physician, veterinarian, dentist, or legal services negotiated under the authority of 41 U.S.C. 252(c)(4), or where the foregoing kinds of services are for $10,000 or less and are negotiated under 41 U.S.C. 252(c)(3) (see § 34–3.603–50(b)(4));

(3) Procurement of architect-engineer services (see § 1–4.10);

(4) Procurement of utility services where the services are available from only one source;

(5) Acquisitions from or through other Federal Government agencies, e.g., interagency agreements, contracts with the Small Business Administration pursuant to section 8(a) of the Small Business Act.

(d) *Competitive Procurement.* A procurement is competitive when the Government provides the opportunity to more than one source to submit bids, offers, or quotations. If a procurement is announced in a presolicitation synopsis which states where copies of solicitations may be obtained, provides the opportunity for interested sources to submit bids, offers, or quotations, provides adequate time for requests for solicitations and submission of responses, and describes the procurement requirement without restrictions which would unavoidably result in only one source being responsive, the procurement will be classified as competitive.

(e) *Classification of procurements.* (1) The issuance of a sources sought synopsis does not require classification of a procurement as competitive or noncompetitive. The data resulting from the sources sought synopsis must be evaluated to determine whether there is more than one source which can adequately perform the contract requirement. If there is more than one source, the procurement should be classified as competitive and a

presolicitation synopsis making solicitations available should be issued. If there is only one source resulting from the sources sought synopsis, this data may be used to support a justification for noncompetitive procurement. (The term "sources sought synopsis" includes advance notices in accordance with § 1–1.1003–3, and other similar types of notices which are used to determine the availability of interested potential sources. A sources sought synopsis does not permit potential sources to request solicitations and therefore is merely an opportunity for the marketplace to indicate its interest in submitting bids, offers, or quotations for a future procurement.)

(2) The decision to classify a specific procurement as competitive should be made at the point in the procurement process prior to issuance of a presolicitation synopsis where required, or solicitation(s) where a presolicitation synopsis is not required. This classification is fixed throughout the procurement's life and may not be subsequently altered even though only one offer is received.

(f) *Criteria.* Criteria are provided below for use in deciding whether a proposed noncompetitive procurement is justified. The critical question to be answered in each justification is why the opportunity to meet a procurement requirement cannot be made available to more than one source. It is critical to justify a noncompetitive procurement that reasonable, informed opinions supported by available facts be provided. Each of the criteria is illustrative of possible reasons. Short of giving the marketplace an opportunity to speak for itself with respect to its capabilities and available sources, the value of the supporting statements and opinions in a justification must be judged by the extent to which the opinions reflect accurate and knowledgeable judgments about the marketplace. The more facts that are offered and the more knowledgeable the opinions about the marketplace are, the greater is the support to conclude that a noncompetitive procurement is justified. If the contracting officer or approving officials conclude that support offered to justify a noncompetitve procurement is not convincing, or where there is some unresolved doubt, the doubt should be settled by permitting the marketplace to speak for itself by issuing a sources sought synopsis. As each justification for noncompetitive procurement is reviewed against these criteria, the reviewer should ask why the procurement cannot be competed, are there sufficient grounds for excluding all other actual or potential offerors, what action can be taken to obtain competition in the instant procurement, and what action is needed to avoid the need for a subsequent or a continued noncompetitive procurement?

(1) There is only one source in existence which can perform the contract requirements. The existence of one source for the purposes of this regulation should be a matter of fact, and not a matter dependent upon the relative and limited knowledge of sources known by the project or contracting officers. This criterion may not be used to justify a noncompetitive procurement prior to testing the marketplace by issuing a sources sought synopsis. Such a sources sought synopsis should state that the Government knows of only one source who can do the work, state the name of the source, and the work required. If only one source submits a response to the sources sought synopsis, this data may be used to support a justification for noncompetitive procurement.

(2) One source controls copyrights, patent rights, trade secrets, technical data, secret processes, or other proprietary data which are essential to the performance of the contract requirements and the source refuses to license or otherwise make the foregoing data available to other sources, and the requirement cannot be revised to allow other sources to compete who do not have access to the foregoing data. Factual information should be provided to support the use of this criterion such as the citation of copyrights, exactly what is covered by the copyright or other data which is necessary to the contract performance, and why the requirement cannot be revised to permit competition. The mere existence of such rights does not in and of itself justify noncompetitive procurement. It must be shown that the Government cannot meet its requirement(s) without the use of the proprietary data. Any doubts should be resolved by summarizing the procurement requirement and issuing a sources sought synopsis. When this criterion is to be utilized the approving official will obtain legal advice from the OGC.

(3) One source or individual has a truly unique idea, approach, or equipment which has no like or equal and is the only known item which can meet the Government's needs. Unsolicited proposals are excluded from the provisions of this paragraph and shall be processed in accordance with Subpart 34–4.52. Except in very rare cases, the fact that a proposer submits a proposal containing a unique idea or approach does not, in itself, justify a noncompetitive procurement. Mere claims of uniqueness must not be pointed to in justifications for departures from regulatory requirements for competitive procurements. There may be other potential sources with equally suitable approaches or ideas which could accomplish the same end results. Except in cases which are convincingly supported by a panel opinion or a consensus of experts who are very familiar with the sources available in the marketplace, the opinion of uniqueness should be tested. The claim that the unique item is the only one which can meet the Government's needs should be based on the objective requirements of the Government not the personal preferences of the originator. Where a test of the claim of uniqueness becomes appropriate, the project officer should draft a description of the agency's requirement that does not compromise the unique idea or proprietary data of the proposer, and the procurement office shall issue a sources sought synopsis. If the only acceptable response to the sources sought synopsis is the organization or individual which the Government originally believed had a unique offering, this data may be used to support a justification for noncompetitive procurement.

(4) A specific item or equipment must be obtained as part of an agency's program responsibility to test and evaluate certain kinds and types of products. This criterion is limited to testing and evaluation purposes only and may not be used for initial outfitting or repetitive procurements. Project officers should support the use of this criterion with citations from their agency's legislation and the technical rationale for the item or equipment required.

(5) Only one source has complex or specialized physical facilities or equipment which by reason of exclusive use, access or ownership, or by reason of clear superiority to facilities and equipment available to other sources is capable of adequately meeting the technical requirements of the contract. The success of the contract objective is critically dependent upon the use of the facilities and equipment of this one source. Specific details should be provided as to why the facilities or equipment are mandatory for the contract performance and why the facilities and equipment of other contractors cannot meet the contract requirements. This criterion should not be used to justify a noncompetitive procurement without first defining what

equipment or facilities is needed and issuing a sources sought synopsis asking for sources with comparable equipment and facilities. If no other qualified sources respond, then this data may be used to support the justification of a noncompetitive procurement.

(6) Government-owned facilities which are essential to performance of the contract are available to only one source. Efforts should be made to determine from the cognizant Government agency whether the Government-owned facilities can be made available to more than one source. Then a noncompetitive procurement may be justified.

(7) Full and free competition is precluded because of geographic, socio-economic, or epidemiologic considerations necessarily associated with the procurement. This criterion is intended to recognize certain limits to achieving full and free competition which sometimes follow from certain program legislation and special program requirements. This criterion may not be used in the absence of such established limits and only where it can be shown that there is only one source which can perform the particular procurement.

(8) The required services must be procured from a certain State, interstate, or local government unit, or from a nonprofit organization comprised of representatives of such governmental units or of their officers, which organizations or units are unique bodies without like or equal in being able to meet the contract requirements. This criterion is intended to recognize that in certain cases where dealing with governmental entities or their representatives, there is in fact only one entity available to perform and/or the entity has a unique ability to accomplish the work. This criterion should not be used to obtain supplies or services which are or can be provided from the commercial marketplace. Where there is more than one such unit or organization which can meet the contract requirements, a noncompetitive procurement cannot be justified, unless a Federal or State statute dictates the source. The fact that the government units or other nonprofit organizations may offer a lower price or agree to cost share, is not adequate reason to justify a noncompetitive procurement to the exclusion of others.

(9) *Time is of the essence* and only one known source can meet the Government's needs within the required time frame or time would not permit the testing of a product offered by a source other than a sole source to meet the delivery schedule. However, the recognized extreme of public exigency in § 1–3.202 is not to be taken lightly. It contemplates a need which is compelling and of unusual urgency, as when the Government would be seriously injured financially or otherwise, if the property or services to be purchased or contracted for were not furnished by a certain time, and when they could not be procured by that time by means of formal advertising. This applies irrespective whether that urgency could or should have been foreseen. Examples are when property or services are needed at once because of a fire, flood, explosion, or other disaster. Public exigency or other reasons causing situations where time is of the essence, may not be used to justify noncompetitive procurement without first showing that a limited competition using abbreviated procedures is impossible. If a limited competition is impossible, it must be shown that the recommended contractor possesses the unique capability to perform the required work on time to the exclusion of all other firms. The considerable latitude of the contracting officer to determine the method best suited to satisfy the urgent need is limited by the need to try and achieve a limited competition if at all possible and, if not, to determine that one contractor is uniquely able to meet the Government's requirements in time.

(10) There is existing equipment which for reasons of compatibility and interchangeability, requires an item which is manufactured only by one source. This criterion is for use in procurements where a particular brand name item is required and an "or equal" will not meet the Government's requirements. This criterion may not be used where there are other manufacturers available who may be able to produce acceptable items even though their products might require some adjustments and modifications. Such other manufacturers must be given the opportunity to compete.

(11) The segments of the project are so intertwined that it is impossible to successfully accomplish the project objectives if all segments are not procured from the same contractor. This criterion is intended for use under research and development procurements as well as studies. It can only be used where there is a necessity to procure the project as a whole package in order to successfully complete the project. This criterion can not be used where segments of the project can be completed separately. The possibility, by itself, that additional work may be done more conveniently or even at less expense by the original contractor is not sufficient reason to justify a noncompetitive procurement using this criterion.

(g) *Procedure.* (1) Program offices should discuss prospective noncompetitive procurement requests with the procurement offices as early as possible during the procurement planning stage (see Subpart 34–3.50), preferably before submitting the requisition or request for contract. Such discussions may resolve uncertainties, provide program offices with names of other sources, allow proper scheduling of the procurement, and avoid delays which might otherwise occur should it be determined that noncompetitive procurement is unjustified.

(2) When a program office desires to obtain certain goods or services by contract without competition, it shall, at the time of forwarding the request for contract furnish the procurement office a "Justification for Noncompetitive Procurement" prepared in accordance with this subsection. All justifications shall be submitted initially to the contracting officer.

(3) A contracting officer who receives a justification for processing shall ascertain whether the document is complete; shall request advice from pricing, audit, legal, and other staff offices as appropriate; shall forward the justification including a recommendation and/or concurrence to the appropriate approving official. If noncompetitive procurement is disapproved, the contracting officer shall promptly so notify the program office concerned.

(4) All required approvals shall be obtained prior to issuing a solicitation to, or commencement of contract negotiations with the proposed contractor. Preliminary arrangements or agreements with the proposed contractor not made by the contracting officer will have no effect or influence on the rationale to support a noncompetitive procurement.

(5) It is the responsibility of the approving official to determine whether a contract may properly be awarded without competition. Program offices and project officers are responsible for furnishing contracting officers and other approving officials with pertinent factual information and opinions necessary to make such determinations. Other staff offices shall advise the contracting officer and approving official as requested.

(h) *Format.* (1) The justification for noncompetitive procurement in excess of $10,000 will be a separate, self-contained document. Justifications for noncompetitive procurements of $10,000

or less may be a statement in the requisition or request for contract.

(2) Justifications for noncompetitive procurement whether over or under $10,000 shall fully express what is to be procured and the reason why the requirement should not be competed. Justifications must offer reasons which go beyond inconvenience and must explain why it is impossible to obtain competition. The justification will be documented only with information that is based on facts rather than untested and unsubstantiated conclusions or opinions. Documentation in the justification should be sufficient to permit an individual with technical competence in the area to follow the rationale.

(3) Justifications have two parts.

(i) Part I contains background information about the program and a description of the procurement. The following information should be included:

(A) Date.

(B) Agency, program office, and project officer (name, address, and telephone number).

(C) Project identification (Program legislation including citations or other internal program identification data such as title, contract number, etc.).

(D) Descriptive title of the project. Attach a full description of the contract requirement. This may be a specification, purchase description, or statement of work. If the "whole project buy" (see § 34–3.802–50(j) for explanation of "whole project buy" concept) as contemplated at the outset is expected to exceed $100,000, a procurement plan as required by Subpart 34–3.50 shall be prepared by the project officer and attached to the justification. The description of the whole project buy must include what is being bought, the estimated cost of the whole or component parts, phases, options, continuations, etc., and the periods of time involved. The description is critical to the approving official's understanding of what the approving official is being asked to approve, and subsequent use of the approval by the procurement or project offices.

(E) Explain whether the instant procurement is an entity in itself, whether it is one in a series, or part of a related group of procurements.

(F) Proposed contractor (name and address).

(ii) Part II includes the facts and reasons to justify a noncompetitive procurement. Part II should begin with the statement:

I recommend that this procurement be noncompetitively negotiated with ———— (Name of proposed contractor) in the amount of ———— (Amount) for the following reasons:

Each of the applicable criteria listed in § 34–3.802–50(f) must be addressed and specific support for its use must be included. At the end of Part II signatory lines should be provided as follows:

Recommended ———— Project Officer Date ———
Concur ———— Project Officer's Immediate Supervisor Date ———
Concur ———— Contracting Officer Date ———
Approved ———— Approving Officer Date ———

(i) *Review and Approvals.* Justifications for noncompetitive procurement shall be reviewed as follows:

(1) For small purchases over $500, but not over $10,000, the "justification", which must address the criteria in § 34–3.802–50(f), may be in the form of a statement within the requisition or request for contract. The contracting officer may approve or disapprove the justification. If the contracting officer awards the contract or purchase order up to $10,000 as requested, such award shall constitute the contracting officer's approval of the justification.

(2) For procurements over $10,000, but not over $100,000 the justification shall be submitted through the contracting officer who will add a recommendation and forward to the chief of the procurement office for approval. Where the chief of the procurement office and the contracting officer are the same individual, the approval level will be at one administrative level above the chief of the procurement office.

(3) All procurements $100,000 or over shall be submitted through the contracting officer for approval by the Noncompetitive Procurement Review Board, unless the Secretary or Under Secretary or such other person as the Secretary may designate determines that the Board will not be used, in which case the Assistant Secretary for Management or such other person as the Secretary may designate shall be the approving official.

(4) The reasons for a determination to disapprove the justification for a noncompetitive procurement shall be stated in writing by the official responsible for making the determination.

(j) *Whole Project Buys.* (1) A "whole project buy" is a project consisting of any number of procurements which is conceived as a single entity for planning and budgetary purposes. The whole project buy concept should not be limited to only that part of the whole project which is the subject of the current contract when contracts to be awarded in the future are part of the same project.

(2) Any whole project buy which exceeds $100,000 in the aggregate which contemplates any noncompetitive procurement actions of any dollar value at any time during the project life shall be submitted to the review board or approving official for approval.

(3) This requirement applies even if the first of a series of related procurements in a whole project buy is less than $100,000. This includes projects with several related procurement actions where the first part of the project is competitively or noncompetitively awarded, and there are to be subsequent noncompetitive procurements with the original contractor. This requirement applies to all procurements regardless of whether the noncompetitive procurement is called a renewal, follow-on, continuation, extension or the like, or is effected by means of a contract modification or is a new start.

(4) Justifications of whole project buys submitted to the review board or approving official shall fully describe what the whole requirement is, how the requirement will be divided into procurement actions, the total estimated cost of the project whole and each individual procurement action, the total period of time for the project whole and each procurement action, and whether all or only part of the project whole will be procured noncompetitively. For certain projects, as in the case of basic research, where an end point cannot be forecast with certainty, the whole project buy will be the circumscribed amount of time which the program office presently intends to continue a certain effort.

(5) If the review board or approving official clearly approves the noncompetitive procurement action(s) at the outset of a whole project buy, and the whole project buy results in an original contract followed by either a noncompetitive new contract, or noncompetitive modifications to the original contract for work, dollars, and time approved by the board or approving official at the outset, these subsequent noncompetitive procurement actions will not have to be resubmitted for approval. Once the noncompetitive procurement actions for the whole project buy are approved, no subsequent approvals of the individual procurement actions are required. Whole project buys may not be approved in excess of 3 years before a subsequent review is required. Approval is limited to that explicitly contained in the justification. If a part of the "whole project buy" is

not included in the justification or there are changes in the project which change the whole project buy as approved, the excluded part and/or changes will require separate review and approval. Doubts as to what was approved shall be submitted to the review board or approving official for clarification. Noncompetitive increases for new work to contracts in effect at the time this regulation becomes effective which are part of a whole project buy exceeding $100,000 shall be submitted to the review board or approving official for approval prior to taking the noncompetitive action.

Subpart 34-3.50—Procurement Planning

§ 34-3.5000 Scope of subpart.

This subpart prescribes (a) planning for all negotiated procurements as required by § 34-3.5001 below and (b) contents of the procurement plan. The procurement plan is an administrative tool designed to enable the contracting officer and the project officer to plan effectively for the accomplishment of procurements during a specified time frame. The procurement plan serves as an outline of the method by which the contracting officer expects to accomplish the procurement task.

§ 34-3.5001 Requirement for procurement planning.

(a) The procurement plan is required for all new procurements which are expected to exceed $100,000, except the following:

(1) Procurements of architect-engineer services;

(2) Procurements of utility services where the services are available from only one source;

(3) Procurements made from or through other Government agencies.

(b) Procurement plans will be prepared for procurements which are two-step formally advertised procurements or set-asides over $100,000.

§ 34-3.5002 Responsibilities for procurement planning.

(a) *Planning by program and staff activities.* (1) Whenever execution of a program or project requires the acquisition of property or services by contract the program or project plan should delineate all elements to be acquired by contract. Such program or project plans include a plan and time-frame for completion action. (See § 34-1.452-2.)

(2) Planning for procurement action should commence as early as possible in the fiscal year. Program offices which expect to initiate procurements are required to meet at the beginning of each fiscal year with the procurement officials who will be responsible for these procurements in order to discuss current staff capabilities and anticipated requirements in an effort to achieve an even distribution of workload over the fiscal year consistent with program needs. These meetings should result in understandings as to expected timing of project development and procurement requests.

(3) For each project, as soon as it appears likely there will be a procurement, the program office will notify the appropriate procurement office of the anticipated procurement. When notified, the procurement office will arrange to meet with the program staff in order to develop a plan for procurement.

(b) *Planning by procurement activities.* Procurement activities will coordinate with program and staff offices in order to ensure:

(1) Timely and comprehensive planning for procurement;

(2) Timely initiation of procurement requests or requests for contracts; and,

(3) Instruction of program and staff offices in proper procurement practices and methods.

§ 34-3.5003 Preparation and contents of procurement plan.

(a) The procurement plan (1) serves as an advance agreement between program and contracting personnel outlining the methods of how and when the procurement is to be accomplished; (2) serves to resolve problems early in the procurement cycle thereby precluding delay in contract placement; and (3) is developed prior to the preparation and submission by the program office of the formal procurement request and request for contract to the contracting office.

(b) Procurement plans shall be prepared and signed jointly by the cognizant contract negotiator and project officer and concurred in by the contracting officer. The scope of the procurement plan is determined by the characteristics of the procurement. Generally a joint planning meeting between the project officer and contract negotiator is held for the purpose of identifying and selecting those actions (technical and business) necessary to effect timely and proper placement of the contract. The project officer defines the requirement and describes the purpose of the project. Based on these needs, consideration shall be given to such matters as (1) refinement of work statements, scopes of work, specifications, etc., for solicitation purposes; (2) funding; (3) sources for solicitation and synopsizing requirements; (4) proposal evaluation criteria; (5) special program approvals and clearances including determination and findings; and (6) procurement planning schedule.

Subpart 34-3.51—Selection of Offerors for Negotiation and Award

§ 34-3.5100 Scope of subpart.

This section provides guidance to all ED personnel regarding (a) evaluation of the technical and other aspects of proposals and (b) the requirement for "written or oral discussion" with concerns whose proposals are "within a competitive range," under competitive negotiated procurements.

§ 34-3.5101 Applicability.

This section is applicable to all competitive negotiated procurements conducted by ED under the authority of the Federal Procurement Regulations (FPR). Those portions of this section concerning written or oral discussions need not be applied: (a) To procurements in implementation of authorized set-aside programs; (b) to procurements where the existence of adequate competition or accurate prior cost experience with the item being procured clearly demonstrates that acceptance of an initial proposal without discussions would result in fair and reasonable prices, provided the request for proposals notifies all offerors of the possibility that award may be made without discussion and provided award is in fact made without any written or oral discussions.

§ 34-3.5102 Requests for proposals.

(a) Careful drafting of the request for proposals (RFP) is vital to the proper working of the competitive process. Particular efforts must be made to develop an accurate statement of work in order to preclude ambiguities and to avoid misunderstandings which might otherwise surface at later stages of the procurement.

(b) Unless otherwise authorized by the procedures of the operating agency, the RFP shall require that a proposal generally will be in two parts: A "Technical Proposal" and a "Business Proposal." Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished independently of evaluation of the other. Generally, the RFP will provide that the "Technical Proposal" not contain any reference to cost. Resource information, such as data concerning labor hours and categories, materials, subcontracts, travel, computer time, etc., shall be included in the "Technical Proposal" so

that offeror's understanding of the scope of work may be evaluated.

(c) The instructions to the offerors concerning the "Business Proposal" should require submission of cost information in sufficient detail to allow a complete cost analysis. (See § 1–3.807–3 of this title for requirements for cost or pricing data.) Categories and amounts of labor, materials, travel, computer time, as well as information with regard to contractor past performance, including contracts or subcontracts for like services or supplies, financial capacity, certifications, and representations, and other pertinent administrative and business information should also be requested.

(d) Evaluation criteria must be developed by technical personnel, at the time of initiation of the procurement request, for inclusion by the contracting officer in the RFP. These criteria and their relative importance or weight require the exercise of judgment on a case-by-case basis, since the criteria must be tailored to the requirements of each particular procurement. These criteria must be submitted to the contracting officer in sufficient time to allow for this review before the issuance of the request for proposal. Since these criteria will serve as the standard against which all proposals will be evaluated, it is imperative that they be chosen carefully to emphasize those factors considered to be critical to the selection of a contractor.

(e) The RFP must inform offerors of all evaluation criteria and of the relative importance or weight attached to each criterion, although there need not be stated a numerical weighting formula. Evaluation criteria shall be described fully enough in each RFP to inform prospective offerors of the significant matters which should be addressed in the proposals. The technical and business proposal instructions of the RFP must inform the offeror of all information deemed essential to proper evaluation of the proposal, so that all competitors are aware of all requirements and so that the difference(s) in proposals will reflect the offeror's differing responses to unambiguous RFP requirements and criteria.

(f) No factors other than those set forth in the request for proposals as the evaluation criteria shall be used in the evaluation of technical proposals.

(g) The RFP evaluation criteria shall not be modified except by a formal amendment to the RFP.

§ 34–3.5103 Evaluation of technical proposals.

(a) The technical proposals received by the contracting officer will be forwarded to the technical evaluators for evaluation; the business portion of the proposal will be retained by the contracting officer for evaluation.

(b) The technical evaluators will evaluate each proposal in strict conformity with the evaluation criteria of the RFP and will assign each proposal a score. A technical ranking will then be compiled. The technical evaluators shall then identify each proposal as either acceptable or unacceptable. Predetermined cutoff scores shall not be employed.

(c) The technical evaluators shall then determine whether any proposal which has been rated as unacceptable might be considered acceptable upon the furnishing of clarifying data by the offeror, and the contracting officer will be so informed. The contracting officer will arrange for the submission of clarifying data in writing or by consultation, and furnish it to the technical evaluators for their consideration.

(d) It is essential to the competitive procurement process that all information contained in offerors' proposals be maintained in strict confidence. In no event during the evaluation period shall any offeror be told the number of proposals received, prices, cost ranges, or the Government cost estimate. Discussions with offerors relative to any aspect of the procurement shall be held only with the contracting officer or his authorized representative.

(e) For the sole purpose of eliminating any uncertainty or ambiguity in an initial proposal, the contracting officer may make inquiry of an offeror. Such inquiry of and clarification furnished by such offeror shall not be considered to constitute "discussions" within the meaning of § 1–3.805–1(g) of this title and shall not necessitate any inquiry of other offerors. However, if the clarification results in an offeror revising its proposal or it would in any way prejudice the interests of other offerors, discussions must be held with all responsible offerors within the competitive range.

§ 34–3.5104 Technical evaluation report.

A technical evaluation report shall be prepared and signed by the technical evaluators, furnished the contracting officer, and maintained as a permanent record in the contract file. The report shall reflect the ranking of the proposals and shall identify each proposal as acceptable or unacceptable in accordance with § 34–3.5103(b) and (c). The report shall also include a narrative evaluation specifying the strengths and weaknesses of each proposal, and any reservations or qualifications that might bear upon the selection of sources for negotiation and award. Concrete technical reasons supporting a determination of unacceptability with regard to any proposal shall be included.

§ 34–3.5105 Evaluation of business proposals.

(a) Each business proposal requires some form of price or cost analysis. The contracting officer must exercise judgment in determining the extent of analysis in each case. In high-dollar value procurements, the analysis should be thorough and the record carefully documented to disclose the extent to which the various elements of costs, fixed fee, or profit contained in the contractor's proposals were analyzed. The negotiation memorandum should also reflect the consideration given to the recommendations, if any, of the price analyst and the basis for nonacceptance or departure from the recommendations during the course of negotiations.

(b) The contracting officer must appraise the management capability of the offeror to perform the required work in a timely manner. In making this appraisal, the contracting officer must consider such factors as the company's management organization, past performance, reputation for reliability, and availability of the required facilities, and cost controls.

§ 34–3.5106 Conduct of evaluation.

Personnel participating in any way in evaluating proposals shall not reveal any information concerning the evaluations underway except to an individual participating in the same evaluation proceedings, and then only to the extent that such information is required in connection with such proceedings. Divulging information during the evaluation, selection, and negotiation phases of the procurement to personnel not having a need to know could jeopardize any resultant award. The Contracting Officer will therefore instruct personnel participating in the evaluations to observe these restrictions and assure that personnel understand that unauthorized disclosure of information, no matter how innocent, could subject such personnel to disciplinary action.

§ 34–3.5107 Competitive range.

Unless an award is made without any discussions in accordance with § 34–3.5101, discussions shall be conducted

with each offeror in the "competitive range." The competitive range is composed of those offerors with which there is a possibility of conducting meaningful discussions which could result in the improvement of their offers, price and other factors considered. Determining which proposals fall within a competitive range will depend upon the particular circumstances of each negotiation. Cost or price alone is sometimes controlling, but technical capability and other relevant criteria may be paramount. The decision as to which firms are and which firms are not within a competitive range is a matter of administrative discretion. There could conceivably be a business proposal in which the cost or price is so high that it seems to be completely out of the competitive range. However, before making such a determination the contracting officer should consult with the technical personnel to determine possible reasons for the apparently excessive price. In determining the competitive range, the contracting officer should consider the following:

(a) A proposal must be considered to be within the competitive range unless it is either so inferior technically or so high in cost as to preclude any possibility of meaningful negotiation with the offeror, or unless the offeror does not have a reasonable chance of being selected for the final award.

(b) The competitive range should be decided on the basis of the array of scores or relative ranking of the offerors, not on a predetermined absolute score or cut-off level of acceptability. Borderline proposals must not be excluded from consideration automatically if they are reasonably susceptible of being made acceptable by clarification or discussions.

(c) No offeror who is in the competitive range shall be eliminated from the competitive range solely because of an offer to deliver services or supplies of a higher quality than required. If there is no substantial basis for distinguishing between the technical excellence of proposal(s) meeting the Government's requirements, price or best buy analysis should then become the controlling factor.

§ 34-3.5108 Conduct of discussions.

(a) The contracting officer, in cooperation with technical personnel, must conduct written or oral discussions (negotiations) of the work to be performed, the cost of the work, and other relevant topics with all those offerors within the competitive range. The contracting officer shall point out to each offeror the ambiguities, uncertainties, and deficiencies, if any, in its proposal. The contracting officer shall then give each offeror a reasonable opportunity to support, clarify, correct, improve or revise its proposal. Discussions with one offeror shall neither identify areas in which another has apparently achieved a higher evaluation or provided more detail (nor transmit information) which could give one offeror a competitive advantage over another. Cost estimates made by the Government will not be disclosed.

(b) Careful judgment will be exercised in determining the extent of discussions. In some cases more than one round of discussions with all the offerors within the competitive range may be required. The time available, the expense and administrative limitations, and the size and significance of the procurement should all be considered in deciding on the type, duration, and depth of the discussions.

§ 34-3.5109 Closing of negotiations.

In order to properly terminate negotiations, the contracting officer shall advise each offeror within the competitive range that (a) negotiations are being conducted, (b) offerors are being asked for "best and final offer," not merely to confirm or reconfirm prior offers, and (c) any revision or modification of proposals must be submitted by the cutoff date.

§ 34-3.5110 Selection of contractor.

(a) After the close of discussions and the receipt of any addenda to proposals, the contracting officer shall select for award the offeror(s) whose proposal(s) offers the greatest advantage to the Government, price and other factors considered.

(b) Research and development contracts should be awarded to those organizations, including educational institutions, which have the highest competence in the specific field of science or technology involved. However, awards should not be made for research and development capabilities that exceed those needed for the successful performance of the particular project.

(c) Whenever the contract is to have a fixed price, price may not be disregarded in selecting a contractor. This is particularly true where more than one acceptable offer from technically qualified sources remains for consideration after conduct of negotiations. If a lower-priced, lower-scored offer meets the Government's needs, acceptance of a higher-priced, higher-scored offer shall be supported by a specific determination by the contracting officer that the technical superiority of the higher-priced offer warrants the additional cost involved in the award of a contract to that offeror.

§ 34-3.5111 Notice and debriefing.

Promptly after award of the contract, notice of unsuccessful offerors will be given in accordance with EDPR 34-3.103.

Subpart 34-3.52—Administrative Actions in Connection With Cost Overruns

§ 34-3.5200 Scope of subpart.

This subpart sets forth the procedure to be followed when a cost overrun is anticipated, i.e., the allowable actual cost of performing a cost reimbursement type contract is expected to exceed the total estimated cost specified in the contract.

§ 34-3.5201 Applicability.

(a) This subpart applies to the administration of cost reimbursement type contracts and the cost reimbursement portion of other types of contracts.

(b) Nothing in this subpart shall be construed to relieve Contractors from compliance with the Limitation of Cost clause or any other provisions of such contracts.

§ 34-3.5202 General.

Reimbursement for costs incurred under contracts referred to in § 34-3.5201 shall not exceed the amount of funds obligated by the contract, unless increased by the contracting officer. Cost overruns shall be held to an absolute minimum compatible with accomplishment of the statement of work.

§ 34-3.5203 Contract administration.

§ 34-3.5203-1 General.

Upon receipt of information that a contractor's accumulated cost and projected expenditures will exceed the limit of funds obligated by the contract, the contracting officer shall coordinate immediately with the appropriate program office to determine whether the contract should be modified or terminated. If the contracting officer receives information from a source other than the contractor that a cost overrun is anticipated, the contracting officer shall verify the information with the contractor and remind the contractor immediately of the notification requirements of the Limitation of Cost clause.

§ 34-3.5203-2 Procedure.

(a) Upon notification that a cost overrun is anticipated, the contracting officer shall request the contractor to

submit a request for additional funds including:

(1) Name and location of contractor.

(2) Contract number and expiration date.

(3) Contract item(s) and amount(s) of each creating the overrun.

(4) The elements of cost which changed from the original estimate, i.e., labor, material, travel, overhead, etc. This data should be furnished in the following format:

(i) Original estimate,

(ii) Costs incurred to date,

(iii) Estimated cost to completion,

(iv) Revised estimate,

(v) Amount of adjustment.

(5) The factors responsible for the increase, i.e., error in estimate, changed conditions, etc.

(6) The latest date by which funds must be available for commitment to avoid contract slippage, work stoppage, or other program impairment.

(b) When the contractor submits notice of an impending overrun the contracting officer shall:

(1) Immediately advise the appropriate program office and furnish a copy of the notice and any other data received.

(2) Request audit or cost advisory services and technical support, as necessary, for evaluation of information and data received.

(3) Maintain continuous follow-up with the program office in order to obtain a timely decision as to whether the work under the contract will be continued and additional funds provided, or the contract terminated. The decision of the program office must be supported by an appropriate written statement and funding authority or a formal request for termination, when applicable. After a programming and funding decision is received from the program office the contracting officer shall promptly notify the contractor in writing that: (i) A specified amount of additional funds has been allotted to the contract by a contractual instrument; or (ii) work will be discontinued when the funds allotted to the contract have been exhausted and that any work performed after that date is at the contractor's risk; or (iii) the Government is considering whether additional funds should be allotted to the contract and will notify the contractor as soon as possible, but that any work performed after the funds then allocated to the contract have been exhausted is at the contractor's risk. Timely, formal notification of the Government's intention is essential in order to preclude loss of contractual rights in the event of dispute, termination, or litigation.

(c) If program requirements permit, contracting officers should refrain from issuing any contractual documents which will require new work or an extension of time, pending resolution of an overrun or additional fund request.

§ 34-3.5203-3 Contract modifications.

(a) Modifications (to contracts containing the Limitation of Cost clause) shall include either (1) A provision increasing the estimated or ceiling amount referred to in the Limitation of Cost clause of the contract and stating that the clause will thereafter apply in respect to such increased amount; or

(2) A provision stating that the estimated or ceiling amount referred to in the contract is not changed by the modification and that the Limitation of Cost clause will continue to apply with respect to the amount in effect prior to the modification.

(b) The fixed fee provided in a contract shall not be changed when funding a cost overrun. Changes in fixed fee will be made only to reflect changes in the scope of work which justify an increase or decrease in fee.

PART 34-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 34-4.51—Paid Advertising

34-4.5100 Scope of subpart.
34-4.5101 Policies and procedures.

Subpart 34-4.52—Unsolicited Proposals

34-4.5200 Scope of subpart.
34-4.5201 Definition.
34-4.5202 Policy.
34-4.5202-1 General.
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34-4.5202-4 Grant applications.
34-4.5203 Procedure.
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34-4.5203-3 Procurement procedure.

Subpart 34-4.54—Procurement Clearance of Audiovisual Materials and Contracts for Public Affairs Services

34-4.5400 Scope of subpart.
34-4.5401 Responsibility.
34-4.5402 Clearance for procurement.
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34-4.5404 Competition.

Subpart 34-4.56—Research Contracts With Educational Institutions of the United States

34-4.5600 Scope of subpart.
34-4.5601 Changes in research methods, procedures, objectives or phenomena under study.
34-4.5602 Change or absence of the principal investigator or project leader.
34-4.5603 Subcontracting or transferring the research effort.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 34-4.51—Paid Advertising

§ 34-4.5100 Scope of subpart.

This subpart provides policies and procedures for the procurement of paid advertising as covered by Title 5, U.S.C. 302, Title 44, U.S.C. 321, 322, and 324, and title 7, chapter 5, section 25.2, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

§ 34-4.5101 Policies and procedures.

(a) The Assistant Secretary for Management or such other person as the Secretary may designate may publish advertisements, notices, and contract proposals in newspapers and periodicals in accordance with the requirements and conditions referenced in § 34-4.5100. Authority to purchase paid advertising must be granted in writing by the Assistant Secretary for Management or such other person as the Secretary may designate. No advertisement, notice of proposal will be published prior to receipt of advanced written authority for such publication. No voucher for any such advertisement or publication will be paid unless there is presented, with the voucher, a copy of such written authority.

(b) Requests for procurement of advertising shall be accompanied by written authority to advertise or publish which sets forth justification and includes the names of newspapers or journals concerned, frequency and dates of proposed advertisements, estimated cost, and other pertinent information.

(c) Paid advertisements shall be limited to publication of essential details of invitations for bids and requests for proposals including those for the sale of personal property, and for the recruitment of employees.

(d) Standard form 1143, Advertising Order, shall be used for procurement and payment of paid advertising. Procedures for payment of vouchers are contained in title 7, chapter 5, section 25.2, General Accounting Office Manual for Guidance of Federal Agencies.

Subpart 34-4.52—Unsolicited Proposals

§ 34-4.5200 Scope of subpart.

This subpart provides policies and procedures applicable to the handling of documents submitted as unsolicited proposals.

§ 34-4.5201 Definition.

An "unsolicited proposal" is a written offer to perform research and development work (including feasibility studies and demonstrations) submitted to the Government by an organization or

individual solely on its own initiative and without prior formal or informal solicitation. Unsolicited proposals purport to represent original effort by the offeror, in the form of new and unique ideas, and are offered in the hope that the Government will support the offeror in the further pursuit of the research and development activities proposed therein.

§ 34-4.5202 Policy.

§ 34-4.5202-1 General.

(a) It is the policy of ED that the public be informed of technological and scientific (including the behavioral and social sciences) areas encompassed by the Department's mission, and to encourage organizations and individuals to originate valuable ideas relevant to the furtherance thereof and to submit such ideas in unsolicited proposals.

(b) All unsolicited proposals should be specific and, as a minimum, include the information set forth below. Although it is desired that unsolicited proposals be prepared in conformance with the standards set forth below, agencies may accept unsolicited proposals for evaluation purposes which do not conform thereto:

(1) Name and address of the organization or individual submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and clear and concise abstract. Extensive material should be included only in appendices;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved (name of principal investigator, if applicable), brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs and overhead;

(10) Names of any other Federal agencies receiving the unsolicited proposal and/or funding the proposed effort or activity;

(11) Brief description of the offeror's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the offeror's previous work and experience in the field;

(13) A current financial statement and, if available, a descriptive brochure;

(14) Period for which unsolicited proposal is valid;

(15) Names and telephone numbers of offeror's primary business and technical personnel whom the agency may contact during evaluation and/or negotiation;

(16) Identification, on the cover sheet, of technical data which the offeror intends to be used by ED for evaluation purposes only (see § 34-1.353(c) of the EDPR); and

(17) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

(c) Unsolicited proposals should be submitted well in advance of the desired beginning of support, and in ample copies (five copies as a minimum) to allow simultaneous study by all reviewers.

(d) All unsolicited proposals shall be acknowledged as soon after receipt as possible and should be processed in an expeditious manner.

§ 34-4.5202-2 Treatment of technical data in unsolicited proposals.

The treatment of technical data contained in unsolicited proposals and the legends to be used are contained in § 34-1.353 of the EDPR.

§ 34-4.5202-3 Method of procurement.

(a) It is ED's policy to obtain competition whenever possible (see § 1-1.301-1). However, if a decision is made to award a contract to an offeror on the basis of an unsolicited proposal, the procurement will be conducted without competition.

(b) Subject to the provisions of § 34-4.5203-3(a), a document which qualifies as an unsolicited proposal may not serve as the basis for a competitive solicitation of proposals. Therefore, a determination must be made as to whether a document qualifies as an unsolicited proposal during the preliminary review of the document in accordance with § 34-4.5203-1.

§ 34-4.5202-4 Grant applications.

(a) Research and development work is supported by ED through grants as well as contracts.

(b) Procurement officials shall not refuse to consider any unsolicited proposal merely because it was initially submitted as a grant application. However, contracts shall not be awarded on the basis of unsolicited proposals which have been rejected for grant support on the ground that they lack scientific merit.

§ 34-4.5203 Procedure.

§ 34-4.5203-1 Preliminary review.

(a) A preliminary review of each document submitted as an unsolicited proposal shall be conducted by program personnel to determine that it:

(1) Contains sufficient technical and cost information to enable meaningful evaluation;

(2) Has been approved by a responsible official of the proposing organization or a person authorized to contractually obligate such organizations; and

(3) Does not merely offer to perform standard services, such as routine analyses or testing in accordance with established procedures, or to provide "off-the-shelf" articles.

(b) In addition, the reviewing program official shall make a written determination as to whether the document is truly unsolicited. In making such determination, consideration shall be given to all relevant circumstances, including whether the document may have resulted from: (1) The close professional relationships that frequently develop between program representatives and their counterparts in the community; or (2) the inadvertent disclosure by program personnel of information relating to specific projects being contemplated by ED.

(c) If the document does not meet the requirements of paragraph (a) of this section, or is determined not to be truly unsolicited, a comprehensive evaluation need not be made, and the document may be considered and handled as correspondence or advertising. In such cases a prompt reply shall be sent to the offeror indicating how the document is being interpreted and the reason(s) for not considering it an unsolicited proposal.

(d) When a document, based upon preliminary review, qualifies as an unsolicited proposal, it shall be circulated for comprehensive evaluation in accordance with § 34-4.5203-2, and a copy thereof, together with the reviewing official's written determination, shall be furnished to the Assistant Secretary for Management or such other person as the Secretary may designate.

§ 34-4.5203-2 Comprehensive evaluation.

(a) Every unsolicited proposal that is circulated for comprehensive evaluation shall have attached or imprinted a legend identifying it as an unsolicited proposal, and stating that it may be used

only for purposes of evaluation. See § 34–1.353 (c) and (e) of the EDPR.

(b) In evaluating an unsolicited proposal, the evaluating office(s) shall consider, in addition to any other criteria, the following factors:

(1) The overall scientific and technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal;

(4) The unique qualifications, capabilities, and experience of the proposed principal investigator and/or key personnel.

(c) If an unsolicited proposal is not to be accepted, the offeror shall be informed by a suitable letter. A copy of such letter and associated unsolicited proposal shall be retained in the files of the contracting officer.

§ 34–4.5203–3 Procurement procedure.

(a) *Competitive procurement.* (1) When a document qualifies as an unsolicited proposal, but its substance is available to ED without restriction from another source, or its substance closely resembles that of a pending competitive solicitation or otherwise is not sufficiently unique to justify acceptance, ED's policy of obtaining competition applies (see § 34–4.5202–3).

(2) When procurement is intended and competition is feasible, the unsolicited proposal shall be rejected, as in § 34–4.5203–2. All readily available copies (excluding the contracting officer's official file copy) shall be returned to the offeror.

(b) *Noncompetitive procurement.* (1) A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror. When an unsolicited proposal has received a favorable technical evaluation and it is determined that the substance thereof is not available to ED without restriction from another source, or competition is otherwise precluded, the subject matter of such unsolicited proposal may be procured from the offeror on a noncompetitive basis. The program office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Unsolicited Proposals." The "Justification" shall include the findings set forth in paragraphs (b)(1) (i) or (ii) of this section:

(i) The procurement is for basic scientific or engineering research; and the unsolicited proposal was selected on the basis of its overall merit, cost and contribution to ED's program objectives, after a thorough evaluation and comparison with other proposals, solicited or unsolicited, in the same or related fields; or

(ii) The procurement is for services other than basic research (e.g., development, feasibility studies, etc.); the unsolicited proposal contains technical data or offers unique capabilities that are not available from another source; and it is not feasible or practical to define the Government's requirement in such a way as to avoid the necessity of using the technical data contained in the unsolicited proposal.

(2) In addition, the "Justification" shall include the facts and circumstances that support the recommendation action. The following illustrations represent factors which should be considered, as appropriate, in preparing the "Justification."

(i) The scientific/technical merits of the unsolicited proposal and its potential contribution to the agency's program objectives;

(ii) The qualifications, capabilities, and related experience of the offeror, principal investigator, and/or key personnel;

(iii) Unique facilities, instrumentation, or techniques; and

(iv) Circumstances that operate to preclude competitive negotiation.

(3) The "Justification for Acceptance of Unsolicited Proposal" shall be submitted to the contracting officer together with, but as a separate document from, the request for contract, and shall be signed by the same official of the cognizant program office who signs the request for contract. Approval of the "Justification" shall be made at the same level as prescribed in § 34–3.802–50(d) for approval of "Justifications for Noncompetitive Procurements."

(c) *Negotiation.* Formal RFP's or RFQ's shall not be issued to obtain additional information required for the negotiation of contracts based on unsolicited proposals. The unsolicited proposal itself constitutes the basis for negotiation and any further technical or budgetary information requested or received shall be considered to supplement, amend or revise the original accepted unsolicited proposal.

Subpart 34–4.54—Procurement Clearance of Audiovisual Materials and Contracts for Public Affairs Services

§ 34–4.5400 Scope of subpart.

This subpart provides for prior clearances and methods of contracting for the procurement of audiovisual materials and/or contracts for public affairs services in excess of $5,000. Chapter 1–121 of the General Administration Manual sets forth supplementary requirements for review of audiovisual materials intended for use with the public contracts for public affairs services. The term "audiovisual materials," as used in this subpart, refers not only to the completed product but also to all steps and techniques leading to the realization of the completed product. The term includes motion pictures, video tapes, slide shows, film strips, audio recordings, exhibitry, or similar materials; design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the acquisition or creation of audiovisual materials regardless of intended use.

§ 34–4.5401 Responsibility.

No procurement action for acquisition of audiovisual materials or the contracting for public affairs services shall be initiated without first obtaining proper clearances and approvals set forth below. The Office of the Assistant Secretary for Public Affairs (ASPA) has been designated as the office of primary responsibility for review and approval of all audiovisual materials and contracts for public affairs services. Requests for the procurement of audiovisual materials and contracts for public affairs services shall be submitted to ASPA for review and approval (or disapproval).

§ 34–4.5402 Clearance for procurement.

(a) Clearances shall apply to contracts dealing, in whole or in part, with development of audiovisual materials whether for public information, education or training purposes and to contracts for public affairs services.

(b) Requests for audiovisual material or public affairs services contracts will be submitted to ASPA for review and approval prior to initiating any procurement action.

(c) Each request shall include the name of the assigned project officer. Failure to assign a project officer whose experience in audiovisual materials or public affairs services is suitable to the project will constitute sufficient reason for disapproval of the project.

(d) The approved original of the request shall be made a part of the permanent procurement file.

§ 34-4.5403 Methods of contracting.

(a) All procurements shall be conducted on a competitive basis whenever possible. The requirement for publicizing proposed procurements by synopsis in the Commerce Business Daily, as set forth in § 1-1.1003, Federal Procurement Regulations, shall be followed.

(b) When considered desirable and appropriate to do so, current approved bidders lists, call contracts, or procurement arrangements of another Federal agency or department may be used subject to prior concurrence of ASPA.

§ 34-4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed price basis whenever feasible. Requests for sole source procurement shall be processed in accordance with § 34-3.802-50, however, ASPA shall concur in the request prior to processing the "Justification."

(b) When call contracts or procurement arrangements have already been synopsized, no further synopsis is necessary when issuing calls against the basic contract. However, this procedure does not eliminate the requirement to obtain adequate competition from sources described in § 34-4.5403(b) consistent with the nature and size of the requirement.

Subpart 34-4.56—Research Contracts With Educational Institutions of the United States

§ 34-4.5600 Scope of subpart.

This subpart sets forth the Department's policy on review and direction of research contracts with educational institutions in the United States, and implements Part I, Attachment A, OMB Circular No. A-101, establishing Government policy on review and direction of the research effort under research projects.

§ 34-4.5601 Changes in research methods, procedures, objectives or phenomena under study.

(a) Review and direction requirements for research contracts with educational institutions should, whenever possible, permit the principal investigator to change the methods and procedures for conducting the research without obtaining prior Government approval. Significant changes in the methods or procedures utilized by the contractor shall be reported in subsequent technical reports.

(b) In the event the methodology or experiment is stated as a specific objective of the contract, such stated objectives shall not be changed by the contractor without obtaining prior approval from the contracting officer.

(c) The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed by the contractor without obtaining prior approval of the contracting officer.

(d) The degree of review or direction exercised may vary from contract to contract depending upon the amount of detail used in stating the objectives of the research effort. If the review or direction requirements are to differ from those specified in paragraphs (a), (b), and (c) of this section, the contract should clearly specify such additional or different requirements as necessary.

§ 34-4.5602 Change or absence of the principal investigator or project leader.

(a) The decision as to whether the Department is interested in a proposed research contract is based, to a considerable extent, upon its evaluation of the proposed contractor's principal investigator or project leader's knowledge of the field and capabilities to manage the contract in an efficient and productive manner. Therefore, the Department desires that the named principal investigator or project leader be continuously responsible for the conduct of the contract and be closely involved with the research efforts.

(b) Written prior approval of the contracting officer is required by the contractor to change the contractor's principal investigator or project leader or to continue work under the contract without participation of the principal investigator or project leader for a period in excess of 3 continuous months. Any substantial reduction in the effort devoted to the contract work by the contractor's principal investigator or project leader also requires the prior written approval of the contracting officer. If the contracting officer determines that the reduction of effort would be so substantial as to impair the successful prosecution of the contract, the contracting officer may request a change of principal investigator or project leader suitable to the Department, or terminate or appropriately modify the contract.

(c) The provisions of paragraph (b) of this section also apply when the contract identifies coprincipal investigators or project leaders or otherwise includes and identifies additional contractor personnel considered essential to the conduct of the proposed research contract.

§ 34-4.5603 Subcontracting or transferring the research effort.

The Department's decision to enter into a research contract with an educational institution is based in part upon its evaluation of the principal investigator(s) or project leader(s) as well as the support available to the contract from the institution, such as facilities and administrative assistance. During the negotiation of the contract, the contracting officer (contract negotiator) shall to the extent possible, obtain complete information concerning the contractor's plans for subcontracting any portion of the research effort. None of the research effort shall be subcontracted or transferred to another organization without having been specifically set forth in the contract, or without the prior approval of the contracting officer. This does not preclude the purchase of supplies, materials, equipment or general support services. None of the foregoing shall be construed to authorize transfer of a research contract or any interest therein, where prohibited by law.

PART 34-8—TERMINATION OF CONTRACTS

Subpart 34-8.6—Termination for Default

Sec.
34-8.601 General
Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

§ 34-8.601 General.

Prior to the issuance of any notice of termination for default, the cognizant contracting officer shall seek the advice of the Office of General Counsel concerning the proposed termination.

(5 U.S.C. 301; 40 U.S.C. 486(c))

PART 34-12—LABOR

Subpart 34-12.6—Walsh-Healey Public Contracts Act

Sec.
34-12.604 Responsibilities of contracting officers.
34-12.604-50 Determinations of eligibility of bidders and offerors.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 34-12.6—Walsh-Healey Public Contracts Act

§ 34-12.604 Responsibilities of contracting officers.

§ 34-12.604-50 Determinations of eligibility of bidders and offerors.

(a) *Initial determination of eligibility.* The responsibility for applying the eligibility requirements set forth in § 1-12.601 of this title rests with the contracting officer. The Department of

Labor does not conduct pre-award investigations, nor render final determinations of eligibility until the contracting officer has gathered all the necessary evidence and initially determined whether the eligibility requirements have been met. When a contracting officer has determined that an apparently successful bidder or offeror is ineligible, the contracting officer shall notify the bidder or offeror promptly in writing and inform it:

(1) That it does not meet the eligibility requirements and provide the reason(s) for ineligibility;

(2) That it may protest the determination and submit evidence of eligibility to the contracting officer; and

(3) That if after review of the evidence submitted, the contracting officer still deems the bidder or offeror ineligible, the contracting officer will forward the protest, together with pertinent material to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(b) *Protests by other bidders or offerors*—(1) *Before award.* (i) When another bidder or offeror challenges the eligibility of the apparently successful bidder or offeror prior to award the contracting officer shall:

(A) Notify the protestant in writing that it may submit written evidence concerning the alleged ineligibility of the apparently successful bidder or offeror.

(B) Provide the apparently successful bidder or offeror with the written allegations of the protestant and inform it that it may submit evidence supporting its eligibility.

(C) Notify both the protestant and the apparently successful bidder or offeror that after reviewing all evidence submitted, the contracting officer shall make a decision and if that decision is adverse to the protestant, the protest together with all pertinent material will be forwarded to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(D) Other bidders or offerors whose bids or offers might become eligible for award shall be notified when award is being withheld pending the disposition of a protest. Such bidders or offerors shall be requested to extend the acceptance period of their bids or offers.

(ii) Where a protest against award has been lodged no award shall be made unless the contracting officer determines that:

(A) The items to be procured are urgently required; or

(B) Delivery or performance will be unduly delayed by failure to make award promptly; or

(C) A prompt award will otherwise be advantageous to the Government. If award under paragraph (b)(1)(ii) (A), (B), or (C) of this section is contemplated, the contracting officer shall obtain the approval of the Assistant Secretary for Management or such other person as the Secretary may designate before proceeding with the award; the file shall be documented to explain the need for making an award prior to the receipt of a determination from the Department of Labor; and written notice of the decision to proceed shall be given to the Administrator, Wage and Hour Division, U.S. Department of Labor, the protestant, and to others concerned when appropriate.

(2) *After award.* A protest received after award shall be forwarded to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, if the contract has not been completed. The protestant shall be notified of the submission to the Department of Labor. If the contract has been completed, the protestant shall be notified that no action shall be taken on the protest.

PART 34–30—CONTRACT FINANCING

Sec.

34–30.000 Scope of part.

Subpart 34–30.4—Advance Payments

34–30.403 Interest.

34–30.408 Uses of advance payments.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 34–30.000 Scope of part.

This part contains general Departmental contract financing policies and procedures applicable to the financing of all types of contracts.

Subpart 34–30.4—Advance Payments

§ 34–30.403 Interest.

(a) Interest will be charged on the unliquidated balance of all advance payments at a rate of 6 percent per annum except that advance payments without interest may be approved when in connection with nonprofit contracts which are without fee with educational institutions and other nonprofit organizations, whether public or private, for the performance of work involving educational programs, including, but not limited to, such programs as:

(1) Dissemination of information derived from education research;

(2) Surveys or demonstrations in the field of education;

(3) Producing or distributing educational media for handicapped persons including captioned films for the deaf;

(4) Operation of language or area centers;

(b) Contracts with interest-free advance payments should provide that the contractor will charge interest at a rate of 6 percent per annum on subadvances or downpayments to subcontractors, and that interest charged on such subadvances and downpayments will be credited to the account of the Government. However, interest should not be charged on subadvances on nonprofit subcontracts which are without fee with nonprofit educational or research institutions for experimental, research, or developmental work.

§ 34–30.408 Uses of advance payments.

(a) All contracts for research work with educational institutions located in the United States shall provide for financing by way of advance payments, in reasonable amounts, unless otherwise prohibited by law.

(b) The Treasury Department's letter of credit method of financing advance payments shall be employed, whenever feasible. Department-wide blanket letters of credit, which apply to the financing of all research contracts and grants between the institution and the Department, shall be utilized to the maximum extent practicable.

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Part III

Department of the Interior

Fish and Wildlife Service

Final Regulations Frameworks for 1980–81 Early Hunting Seasons on Certain Migratory Game Birds in the United States

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Final Regulations Frameworks for 1980–81 Early Hunting Seasons on Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks (i.e. the outer limits for dates and times when shooting may begin and end, and for the number of birds which may be taken and possessed) for early season migratory bird hunting regulations from which States may select season dates and daily bag and possession limits for the 1980–81 season. These seasons may open prior to October 1, 1980, and apply to mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, teal (September only), sea ducks (Atlantic Flyway only), a late September duck season in Iowa, sandhill cranes in North Dakota and South Dakota, and extended falconry seasons.

DATES: Effective on July 22, 1980. Season selections due from the States by July 26, 1980.

ADDRESSES: Season selections from States are to be mailed to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received are available for public inspection during normal business hours at the Service's office in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, Department of the Interior, Washington, D.C. 20240, telephone 202–254–3207.

SUPPLEMENTARY INFORMATION: On February 29, 1980, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (45 FR 13630) proposals to amend 50 CFR Part 20, with a comment period ending May 16, 1980. That document dealt with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K.

On June 20, 1980, a public hearing was held in Washington, D.C., to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, and sandhill cranes. The meeting had been announced in the **Federal Register** on February 29, 1980 (44 FR 13630). Proposed hunting regulations for these species were discussed plus those for common snipe; rails; gallinules; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; an early duck season in Iowa; special sea duck seasons in the Atlantic Flyway; and falconry seasons. Statements or comments were invited.

On June 27, 1980, the Service published in the **Federal Register** (45 FR 43419) the second document in the series of proposed and final rulemaking documents dealing specifically with final frameworks for the 1980–81 season from which wildlife conservation agency officials in Alaska, Puerto Rico, and the Virgin Islands could select season dates for hunting certain migratory birds in their respective jurisdictions during the 1980–81 season.

On July 1, 1980, the Service published for public comment in the **Federal Register** (45 FR 44540) the third document in the series consisting of proposed, supplemental, and final rulemaking dealing specifically with proposed frameworks for early season migratory bird hunting regulations and supplemental proposals for late season regulations arising from comments received or from new information. The comment period for proposed early season regulations ended on July 12, 1980, and will end on August 23, 1980, for late season proposals.

This rulemaking is the fourth in the series and deals specifically with final frameworks for early season migratory game bird hunting regulations from which State wildlife conservation agency officials may select season dates and daily bag and possession limits for the 1980–81 season. These seasons may open prior to October 1, 1980, and apply to mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, teal (September only), sea ducks (Atlantic Flyway only), ducks in late Sepember in Iowa, sandhill cranes in North Dakota and South Dakota, and extended falconry seasons.

Review of Public Comments and the Service's Response

Public comments on the proposed early season regulations were received and reviewed during the regulatory development period. The Service responded to public comments on regulations proposed in the **Federal Register** (45 FR 13630) dated February 29, 1980, and to recommendations received at the Public Hearing held in Washington, D.C., on June 20, 1980, in the **Federal Register** (45 FR 44540) dated July 1, 1980.

Seven comments were received on the proposed early season regulatory frameworks published in the **Federal Register** dated July 1, 1980 (45 FR 44540). Six were from individuals while one was from a sportsmen's club. All expressed opposition to allowing Arizona the option of selecting 70 half days of hunting in lieu of the 50 full days allowed in recent years.

Response. The option was requested and justified by the Arizona Game and Fish Department, and was endorsed by the Pacific Flyway Council. The Service believes that it has the potential of improving the management of doves in Arizona and it is therefore included in the final frameworks.

Comments received are available for public inspection during normal business hours at the Service's office in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

Nontoxic Shot Regulations

On February 11, 1980, the Service published in the **Federal Register** (45 FR 9028) proposed rules describing nontoxic shot zones for waterfowl hunting seasons commencing in 1980. When eaten by waterfowl, spent lead pellets have a toxic effect. The nontoxic shot zones will reduce the number of deaths to waterfowl by reducing the availability of lead pellets in waterfowl feeding areas. The final regulations were published in the **Federal Register** on June 5, 1980 (45 FR 37847) under § 20.108 of 50 CFR and will also be summarized in waterfowl regulations leaflets to be published late this summer.

In 1980, shotshells loaded with toxic shot will not be permitted for waterfowl hunting in designated nontoxic shot zones (44 FR 2597). This regulation related only to 12-gauge shotshells in previous years but applies to all gauges of shotshells after August 31, 1980.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

Consequently, the Service reviewed all regulations frameworks being contemplated this year for season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons (including the extra teal option during regular seasons; for sea ducks in certain defined areas of the Atlantic Flyway; for a portion of the regular duck season in Iowa to be taken in late September; for sandhill cranes in designated portions of North Dakota and South Dakota; and special falconry regulations. As a result of intra-Service Section 7 consultation, Acting Associate Director Harold J. O'Connor stated in a biological opinion dated July 14, 1980, "that your action, as proposed, is not likely to jeopardize the continued existence of the above listed species (Aleutian Canada goose, Everglade kite, bald eagle, American peregrine falcon, Arctic peregrine falcon, and whooping crane) and is not likely to result in the destruction or adverse modification of any designated Critical Habitat."

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for inspection in the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when proposed rulemakings were published on February 29 and July 1, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States would have insufficient time to select their season dates, shooting hours, and bag limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Accordingly, the Service under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–711), prescribes the final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which State conservation agency officials may select open season dates. Upon receipt of season selections from State officials, the Service will publish in the **Federal Register** final rulemaking amending certain sections of Subpart K of 50 CFR Part 20 to reflect seasons, limits and shooting hours for the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands for the 1980–81 season.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Exemption From Executive Order 12044 and 43 CFR Part 14

As discussed in the **Federal Register** dated February 29, 1980 (45 FR 13630) the Assistant Secretary for Fish and Wildlife and Parks has concluded that the ever decreasing time frames in the regulatory process are mandated by the statutory requirements under Section 704 of the Migratory Bird Treaty Act and the Administrative Procedure Act. The regulatory process simply has no remaining flexibility in its timetable between the accumulation of critical summer survey data and the publication of the revised sets of proposed rulemakings. Compliance with the procedures for the development of significant rules and the preparation of a regulatory analysis established under Executive Order 12044 would simply not be possible if the fall hunting season deadlines were to be achieved. Consequently, although the rules establishing the annual migratory bird hunting regulations are significant, the Assistant Secretary for Fish and Wildlife and Parks has approved the exemption of these regulations from the procedures of Executive Order 12044 and 43 CFR Part 14 which is provided for in § 14.3(f).

Final Regulations Frameworks for 1980–81 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved final frameworks which prescribe season lengths, limits, shooting hours, and outside dates within which States may select seasons for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for a duck season opening in late September, in Iowa; for sea ducks in certain defined areas of the Atlantic Flyway; for sandhill cranes in designated portions of North Dakota and South Dakota; and special falconry regulations. For the guidance of State conservation agencies, these frameworks are summarized below.

Note.—Any State desiring its season on woodcock, snipe, gallinule, sandhill cranes, or extended falconry to open in September must make its selection no later that July 26, 1980. Those States which desire these seasons to open after September may make their selection at the time they select their regular waterfowl seasons.

Those Atlantic Flyway coastal States desiring their seasons on sea ducks in certain defined areas to open in September must make their selection no later than July 26, 1980. Those which desire this season to open after September may make their selection when they select their regular waterfowl seasons.

Mourning Doves

Between September 1, 1980, and January 15, 1981, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit (All States east of the Mississippi River and Louisiana):

1. Shooting hours [1] between 12 o'clock noon and sunset daily, or as an option,

[1] The hours noted here and elsewhere also apply to hawking (taking by falconry).

between ½ hour before sunrise to sunset daily.

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half or full days which may run consecutively or be split into not more than three periods.

4. As an option to the above, *Alabama, Georgia, Louisiana,* and *Mississippi* may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama.—The South Zone consists of the area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia.—U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean.

Louisiana.—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi.—U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 half or full days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1980.

Central Management Unit (Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming):

1. Shooting hours between ½ hour before sunrise and sunset daily;

2. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

3. Hunting seasons in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

4. *Texas* may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1980, and January 22, 1981.

C. The South Zone may have a season of not more than 60 days between September 20, 1980, and January 22, 1981. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1980–January 22, 1981, period.

Texas may select hunting seasons for each of three zones (to be designated), subject to the following conditions:

A. The hunting season may be split into not more than two periods, except that, in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 60 days between September 1, 1980, and January 25, 1981.

5. In *New Mexico,* daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit (Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington):

1. Shooting hours between ½ hour before sunrise and sunset daily;

2. Daily bag and possession limits not to exceed 10 and 20, respectively;

3. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods.

In the *Nevada* counties of *Clark* and *Nye,* and in the *California* counties of *Imperial, Riverside,* and *San Bernardino,* daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

Arizona may select for designated white-winged dove management units seasons of 70 half days beginning or ending at noon with a daily bag limit of 12 doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

White-Winged Doves

Arizona, California, Nevada, New Mexico, and *Texas* may select hunting seasons between September 1, 1980, and December 31, 1980, and daily bag and possession limits as stipulated below. Shooting hours between ½ hour before sunrise and sunset may be selected.

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves, excepting in those areas selected under the option for mourning dove season of 70 half days where limits on white-winged doves shall be no more than 6 a day with 12 in possession after the opening day.

California may select a hunting season for the counties of *Imperial, Riverside,* and *San Bernardino* only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of *Clark* and *Nye* only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 5 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively. The season may be split within the overall time frame, and

Texas may also select a white-winged dove season of not more than 60 days coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 10, of which not more than 2 may be whitewings. The possession limit of both species in the aggregate may not exceed 20, of which not more than 4 may be whitewings.

Band-Tailed Pigeons

West Coast States (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1980, and January 15, 1981. Shooting hours between ½ hour before sunrise and sunset may be selected. The daily bag and possession limits may not exceed 5 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the counties of *Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama,* and *Trinity;* and

2. The remainder of the State.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1980. Shooting hours between ½ hour before sunrise and sunset may be selected. The daily bag and possession limits may not exceed 5 and 10, respectively. These seasons shall be open only in the areas delineated by the respective States in their hunting regulations. Each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State conservation agency and such permit will be valid in that State only.

New Mexico may divide its State into a North and a South Zone along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1980, and November 30, 1980, in the North Zone, and October 1, 1980, and November 30, 1980, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected.

Rails (Clapper, King, Sora, and Virginia)

The States included herein may select seasons between September 1, 1980, and January 20, 1981, on clapper, king, sora, and Virginia rails as follows:

The season length for all species of rails may not exceed 70 days. Shooting hours between ½ hour before sunrise and sunset in all States for all species may be selected.

Clapper and King Rails

1. In *Rhode Island, Connecticut, New Jersey, Delaware,* and *Maryland,* the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In *Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina,* and *Virginia,* the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia Rails

In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly in the aggregate of sora and Virginia rails, are prescribed in States in the Atlantic, Mississippi and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway.[2, 3]

No hunting season is prescribed for rails in the remainder of the Pacific Flyway.

Woodcock

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1980, and February 28, 1981, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively, except that in *Maine, New Hamphsire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland,* and *Virginia* the season must end by January 31. Shooting hours may be selected between ½ hour before sunrise and sunset. Any State may split its woodcock season without penalty.

New Jersey may select woodcock seasons by north and south zones divided by State Highway 70. Seasons in each zone may not exceed 55 days.

Common Snipe

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1980, and February 28, 1981, not to exceed 107 days, except that in the States of *Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland,* and *Virginia* the season must end no later than January 31. Seasons between September 1, 1980, and February 28, 1981, and not to exceed 93 days, may be selected in the Pacific Flyway portions of *Montana, Wyoming, Colorado,* and *New Mexico.*

All States in the Pacific Flyway, except those portions of *Colorado Montana, New Mexico,* and *Wyoming* in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Shooting hours between ½ hour before sunrise and sunset may be selected. Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty. States or portions thereof in the three eastern Flyways may defer selections of snipe seasons at this time and make the selections in August when they select waterfowl seasons. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

Gallinules

States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1980, and January 20, 1981, of not more than 70 days. States in the Pacific Flyway must select their hunting seasons within the waterfowl seasons. States may split their seasons without penalty. Shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 15 and 30, respectively.

States may select their gallinule seasons at the time they select their waterfowl seasons. If the selection is deferred, daily bag and possession limits will remain the same, but shooting hours must conform with those for waterfowl, and the season length will be the same as that for waterfowl, or 70 days, whichever is the shorter period. Exception: A gallinule season selected by any State in the Pacific Flyway may not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

Sandhill Cranes

North Dakota may select a sandhill crane hunting season of 5 days during September 6 through 10, 1980, in Kidder, Stutsman, Benson, Emmons, Pierce, and Burleigh Counties, and a season of 9 days during September 6 through 14, 1980, in McLean and Sheridan Counties, *South Dakota* may select a sandhill crane hunting season of 9 days during September 1 through 28, 1980, in Campbell, Walworth, Potter, Dewey, and Corson Counties. In both States, shooting hours may be selected between ½ hour before sunrise and sunset. The bag limit is 3 birds daily and the possession limit is 6 birds. Each person participating in the season must obtain and have in his possession while hunting a Federal sandhill crane hunting permit.

Scoter, Eider, and Oldsquaw Ducks (Atlantic Flyway)

A maximum season of 107 days for taking scoter, eider, and oldsquaw ducks

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[2] The Central Flyway is defined as follows: Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties) Nebraska, New Mexico (east of the Continental Divide but outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

[3] The Pacific Flyway is defined as follows: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

may be selected between September 15, 1980, and January 20, 1981, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in *Maine, New Hampshire, Massachusetts, Rhode Island,* and *Connecticut;* in those coastal waters of the State of *New York* lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of *New York* lying south of Long Island; and any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in *New Jersey, South Carolina,* and *Georgia;* and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in *Delaware, Maryland, North Carolina,* and *Virginia;* and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Shooting hours between ½ hour before sunrise until sunset daily may be selected.

Any State desiring its sea duck season to open in September must make its selection no later than July 26, 1980. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

September Teal Season

Between September 1 and September 30, 1980, an open season on all species of teal may be selected by *Alabama, Arkansas, Colorado* (Central Flyway portion only), *Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico* (Central Flyway portion only), *Ohio, Oklahoma, Tennessee,* and *Texas* in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect non-target species by July 26, 1980.

Late September Duck Season In Iowa

Iowa is offered the option of opening a portion of its duck hunting season in September, with the number of days in September to be deducted from the number of days allowed for the regular duck season. All ducks which are legal during the regular duck season may be taken during the September segment of the season. In 1980, the 5-day early season option will extend from September 20 through September 24, with daily bag and possession limits being the same as those in effect during the 1980 regular duck season. Iowa must advise the Service by July 26, 1980, if it wishes to select this option.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

1. Seasons must fall within the regular season framework dates and, if offered, other special season framework dates for hunting.
2. Hunting hours shall not exceed ½ hour before sunrise to sunset.
3. Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.
4. Each State selecting extended seasons shall report the results of the special falconry season to the Service by March 15, 1981.
5. Each State selecting the special season must inform the Service of the season dates and publish said regulations.

General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

Note.—In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

Dated: July 17, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-21917 Filed 7-21-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Tuesday
July 22, 1980

Part IV

Department of Agriculture

Federal Grain Inspection Service

Official Agency Geographic Areas

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Assignment of Geographic Area to the Little Rock Grain Exchange Trust, Little Rock, Ark.

AGENCY: Federal Grain Inspection Service

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Little Rock Grain Exchange Trust, Little Rock, Arkansas, for the performance of official grain inspection functions under the authority of United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standard Act as amended (7 U.S.C. 79) and are specifically considered in the Fiscal Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250

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 as "not significant."

Little Rock Grain Exchange Trust (the "Agency"), 600 Olive Street, Building B, North Little Rock, Arkansas 72119, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on February 1, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 23, 1979, issue of the Federal Register (44 FR 67196). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agricultire, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

In Texas, the following counties: Bowie and Cass.

In Arkansas, the area shall be:

Bounded: on the North by the northern Arkansas State line from the western Marion County line east to the eastern Clay County line;

Bounded: on the East by the following counties: Clay, Greene, Lawrence, Jackson, Woodruff, Monroe, Arkansas, Desha, and Chicot;

Bounded: on the South by the southern Arkansas State line from the eastern Chicot County line west of the western Miller County line; and

Bounded: on the West by the following counties: Miller, Little River, Howard, Pike, Clark, Hot Spring, Garland, Perry, Conway, Pope, Searcy, and Marion.

An exception to this geographic area is the following location situated inside the Agency's area which has been and will continue to be serviced by Memphis Grain and Hay Association, Memphis, Tennessee: Lockhart-Thompson Grain Elevator in Augusta, Arkansas, in Woodruff County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21942 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Denver Grain Exchange Association, Inc., Commerce City, Colo.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Denver Grain Exchange Association, Inc., Commerce City, Colorado, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Denver Grain Exchange Association, Inc. (the "Agency"), 620 Brighton Boulevard, Commerce City, Colorado 80022, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on February 1, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the October 22, 1979, issue of the Federal Register (44 FR 60775). No comments were received. Accordingly, after due consideration of all information available to the United

States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

The entire State of Colorado.

In Nebraska, the area shall be:

Bounded: on the North by the northern Scotts Bluff County line and the northern Morrill County line east to Highway 385;

Bounded: on the East from the northern Morrill County line south along Highway 385 to the northern Cheyenne County line; the northern and eastern Cheyenne County lines; the northern and eastern Deuel County lines;

Bounded: on the South by the southern Deuel, Cheyenne, and Kimball County lines; and

Bounded: on the West by the western Kimball, Banner, and Scotts Bluff County lines.

In Wyoming, the counties of Goshen and Platte.

In addition, the following locations, which are outside of the foregoing contiguous geographic area and are to be serviced by the Agency, shall be considered as part of the Agency's geographic area: Albin Elevator, Albin; Farmers Coop, Burns; Carpenter Elevator, Carpenter; Pillsbury Company, Egbert; and Pine Bluffs Feed & Grain, Pine Bluffs, all in Laramie County, Wyoming.

Exceptions to this geographic area are the following locations situated inside the Agency's area which have been and will continue to be serviced by Hastings Grain Inspection, Inc., Hastings, Nebraska; Farmers Coop and Dayton Dorn Grain Company, Big Springs, Nebraska, in Deuel County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21946 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Gibson City Grain Inspection Department, Gibson City, Ill.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Gibson City Grain Inspection Department, Gibson City, Illinois, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Gibson City Grain Inspection Department (the "Agency"), Routes 47 and 9, P.O. Box 20, Gibson City, Illinois 60936, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on February 1, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 23, 1979, issue of the **Federal Register** (44 FR 67198). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

Bounded: on the North by the northern Livingston County line from the ICG Railroad line;

Bounded: on the East by the Livingston County line; the Ford County line; the southern Ford County line west to Interstate 57; Interstate 57 south to State Route 136;

Bounded: on the South by State Route 136 west to a point 10 miles west of the eastern McLean County line; and

Bounded: on the West by a straight line running north and south from this point north through Arrowsmith to Pontiac; the ICG Railroad line from Pontiac northeast to the northern Livingston County line.

In addition, the following location which is outside of the foregoing contiguous geographic area and is to be serviced by the Agency shall be considered as part of the Agency's geographic area: Farm Service, Arrowsmith, Illinois, in McLean County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21950 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Kankakee Grain Inspection Bureau, Inc., Kankakee, Ill.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Kankakee Grain Inspection Bureau, Inc., Kankakee, Illinois, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Kankakee Grain Inspection Bureau, Inc. (the "Agency"), 500 North Fifth Avenue, P.O. Box 102, Kankakee, Illinois 60901, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on February 14, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 19, 1979, issue of the **Federal Register** (44 FR 66221). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

Bounded: on the North by the northern Bureau County line from State Route 88; the northern La Salle and Grundy County lines; the northern Will County line east-southeast to Interstate 57;

Bounded: on the East by Interstate 57 south to U.S. Route 52; U.S. Route 52 south to the southern Kankakee County line;

Bounded: on the South by the southern Kankakee and Grundy County lines; the southern LaSalle County line west to State Route 17; State Route 17 west to U.S. Route 51; U.S. Route 51 north to State Route 18, State Route 18 west to State Route 26; State Route 26 north to Interstate 180; Interstate 180 west to State Route 29; State Route 29 south to the southern Bureau County line; the southern Bureau County line west to State Route 88; and

Bounded: on the West by State Route 88 north to the northern Bureau County line.

An exception to this geographic area is the following location situated inside the Agency's area which has been and will continue to be serviced by Illinois Department of Agriculture, Springfield, Illinois: Leland Farmers Company, Leland, Illinois, in LaSalle County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21951 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Peoria Grain Inspection Service, Inc., Peoria, Ill.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Peoria Grain Inspection Service, Inc., Peoria, Illinois, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Peoria Grain Inspection Service, Inc. (the "Agency"), 330 S.W. Washington Street, Peoria, Illinois 61602, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inpsection functions on August 16, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the December 7, 1979, issue of the **Federal Register** (44 FR 70505). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the

geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

Bounded: on the North by the northern Stark County line east then south to Marshall County; the northern Marshall County line east to Putnam County; the western Putnam County line north to State Route 29; State Route 29 north to Interstate 180; Interstate 180 east to State Route 26;

Bounded: on the East by State Route 26 south to State Route 116; State Route 116 south to Interstate 74; Interstate 74 southeast to State Route 121; State Route 121 south to State Route 10;

Bounded: on the South by State Route 10 west to Mason County, the eastern Mason County line; the southern Mason County line west to the Illinois River; the Illinois River northeast to Fulton County; the southern Fulton County line; and

Bounded: on the West by the western Fulton County line; the northern Fulton County line east to Peoria County; the western Peoria County line; the western Stark County line.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21952 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Sioux City Inspection & Weighing Agency, Inc., Sioux City, Iowa

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Sioux City Inspection & Weighing Agency, Inc., Sioux City, Iowa, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER IMFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Sioux City Inspection & Weighing Agency, Inc. (the "Agency"), 310 South Floyd Boulevard, Room 302, Sioux City, Iowa 51101, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functiuons on May 1, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 8, 1979, issue of the **Federal Register** (44 FR 64854). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

In Iowa, the area shall be:

Bounded: on the North by the northern Iowa State line from the Big Sioux River east to U.S. Route 59;

Bounded: on the East by U.S. Route 59 south to B24; B24 east to the eastern O'Brien County line; the O'Brien County line south; the northern Buena Vista County line east to U.S. Route 71; U.S. Route 71 south to the southern Sac County line;

Bounded: on the South by the Sac County line; the Ida County line; the Monona County line south to State Route 37; State Route 37 west to State Route 175; State Route 175 west to the Missouri River; and

Bounded: on the West by the Missouri River north to the Big Sioux River; the Big Sioux River north to the northern Iowa State line.

In Nebraska, the area shall include: Cedar County, Dakota County, Dixon County, Thurston County, and Pierce County (north of U.S. Route 20 and west of U.S. Route 81).

In South Dakota, the area shall be:

Bounded: on the North by State Route 44 from the Missouri River east to the Big Sioux River;

Bounded: on the East by the Big Sioux River; and

Bounded: on the South and West by the Missouri River.

In addition, the following locations which are outside of the foregoing contiguous geographic area and are to be serviced by the Agency shall be considered as part of the Agency's geographic area: Charter Oak Grain & Seed and Delanty Grain Company, Charter Oak, Iowa, in Crawford County; Gooch Seed Mill and Ernie's Seed & Field Service, Storm Lake, Iowa, in Buena Vista County; and Farmers Elevator Company and Feeders Mill & Elevator, Inc. (previously referred to as Krause Mill, Inc.—Cedars Mills & Elevator, Inc., in the proposal), Platte, South Dakota, in Charles Mix County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection serives not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of

Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21953 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Kansas State Grain Inspection Department, Topeka, Kans.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Kansas State Grain Inspection Department, Topeka, Kansas, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Kansas State Grain Inspection Department (the "Agency"), 535 Kansas Avenue, Topeka, Kansas 66603, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on March 31, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 19, 1979, issue of the **Federal Register** (44 FR 66222). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

The entire State of Kansas.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21947 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Louisville Grain Inspection Services, Inc., Louisville, Ky.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Louisville Grain Inspection Services, Inc., Louisville, Kentucky, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Louisville Grain Inspection Services, Inc. (the "Agency"), 1400 Oldhom Street, Louisville, Kentucky 40210, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inpsection functions on August 16, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 19, 1979, issue of the **Federal Register** (44 FR 66223). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

In Kentucky, the area shall include the following counties: Allen, Anderson, Barren, Breckinridge, Bullitt, Butler, Carroll, Edmonson, Fayette, Franklin, Grayson, Hardin, Hart, Henry, Jefferson, Jessamine, Larue, Meade, Nelson, Oldman, Scott, Shelby, Simpson, Spencer, Trimble, Warren, and Woodford.

In Indiana, the area shall include the following counties: Clark, Crawford, Floyd, Harrison, Jackson, Jennings, Jefferson, Lawrence, Martin, Orange, Scott, and Washington.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21943 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Lincoln Inspection Service, Inc., Lincoln, Nebr.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Lincoln Inspection Service, Inc., Lincoln, Nebraska, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Lincoln Inspection Service, Inc. (the "Agency"), 505 Garfield Street, Box 2724, Station B, Lincoln, Nebraska 68502, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on February 1, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 13, 1979, issue of the **Federal Register** (44 FR 65422). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

In Nebraska and Iowa the area shall be:

Bounded: on the North by, in Nebraska, the northern York County line east, the northern Seward County line east; the northern Lancaster County line east; the northern Cass County line east to the Missouri River; the Missouri River south to U.S. Route 34; in Iowa, U.S. Route 34 east to Interstate 29;

Bounded: on the East by Interstate 29 south to the northern Fremont County line; the Fremont County line east; the northern Page County line east; the eastern Page County line south to the Iowa-Missouri State line; the Iowa-Missouri State line west to the Missouri River; the Missouri River south-southeast to the Nebraska-Kansas State line;

Bounded: on the South by the Nebraska-Kansas State line west to U.S. Route 81;

Bounded: on the West by, in Nebraska, U.S. Route 81 north to the northern Thayer County line; the Thayer County line east to the western Saline County line; the Saline County line north to the southern York County line; the York County line west; the western York County line north.

Exceptions to this geographic area are the following locations situated inside the Agency's area which have been and will continue to be serviced by Omaha Grain Inspection Service, Inc., Omaha, Nebraska; Lincoln Grain, Murray, Nebraska, in Cass County; and Fremont County Coop, McPaul, Iowa, in Fremont County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21948 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Omaha Grain Inpection Service, Inc., Omaha, Nebr.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Omaha Grain Inspection Service, Inc., Omaha, Nebraska, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER IMFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and

Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Omaha Grain Inspection Service, Inc. (the "Agency"), 1905 Harney Street, Omaha, Nebraska 68102, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on February 1, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 15, 1979, issue of the **Federal Register** (44 FR 65796). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

Bounded: on the North by Nebraska State Route 91 from the western Washington County line east to U.S. Route 30; U.S. Route 30 east to the Missouri River; the Missouri River north to Iowa State Route 175; State Route 175 east to the Missouri River; the Missouri River north to Iowa State Route 175; State Route 175 east to State Route 37; State Route 37 southeast to the eastern Monona County line;

Bounded: on the East by the Monona County line south; the southern Monona County line west to State Route 183; State Route 183 south to the northern Pottawattamie County line; the Pottawattamie County line east; the eastern Pottawattamie County south; the southern Pottawattamie County line west to M47; M47 south to State Route 48; State Route 48 south to the southern Montgomery County line;

Bounded: on the South by the Montgomery County line west; the southern Mills County line west to Interstate 29; Interstate 29 north to U.S. Route 34; U.S. Route 34 west to the Missouri River; the Missouri River north to the southern Sarpy County line in Nebraska; the Sarpy County line west; the southern Saunders County line west to U.S. Route 77; and

Bounded: on the West by U.S. Route 77 north to the Platte River; the Platte River southeast to the northern Douglas County line; the Douglas County line east to the western Washington County line; the Washington County line northwest to Nebraska State Route 91.

In addition, the following locations which are outside of the foregoing contiguous geographic area and are to be serviced by the Agency, shall be considered as part of the Agency's geographic area: Murren Grain, Elliot, Iowa, in Montgomery County; Hemphill Feed & Grain and Hansen Feed & Grain, Griswold, Iowa, in Cass County; Fremont County Coop, McPaul, Iowa, in Fremont County; Lincoln Grain, Murray, Nebraska, in Cass County; Farmers Coop Business Association, Rising City, Nebraska, in Butler County; and Farmers Coop Business Association, Shelby, Nebraska, in Polk County.

An exception to this geographic area is the following location situated inside the Agency's area which has been and will continue to be serviced by Fremont Grain Inspection Department, Inc., Fremont, Nebraska: Farmers Cooperative and Krumel Grain and Storage, Wahoo, Nebraska, in Saunders County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21949 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Tri-State Grain Inspection Service, Inc., Cincinnati, Ohio

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Tri-State Grain Inspection Service, Inc., Cincinnati, Ohio, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Tri-State Grain Inspection Service, Inc. (the "Agency"), 1137 West Sixth Street, Cincinnati, Ohio 45203, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on June 15, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 23, 1979, issue of the **Federal Register** (44 FR 67197). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the

geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

In Ohio, the area shall be:

Bounded: on the North by the northern Preble County line east; the western and northern Miami County lines east to State Route 296; State Route 296 east to State Route 560; State Route 560 south to the northern Clark County line; the Clark County line east to U.S. Route 68;

Bounded: on the East by U.S. Route 68 south to U.S. Route 22; U.S. Route 22 east to State Route 73; State Route 73 southeast to the eastern Adams County line; the eastern Adams County line;

Bounded: on the South by the southern Adams, Brown, Clermont, and Hamilton County lines; and

Bounded: on the West by the western Hamilton, Butler, and Preble County lines.

In Kentucky, the area shall include the following counties: Bath, Boone, Bourbon, Bracken, Campbell, Clark, Fleming, Gallatin, Grant, Harrison, Kenton, Lewis (west of State Route 59), Mason, Montgomery, Nicholas, Owen, Pendleton, and Robertson.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21945 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

Assignment of Geographic Area to the Memphis Grain and Hay Association, Memphis, Tenn.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces assignment of geographic area to the Memphis Grain and Hay Association, Memphis, Tennessee, for the performance of official grain inspection functions under the authority of the United States Grain Standards Act, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the United States Grain Standards Act as amended (7 U.S.C. 79) and are specifically considered in the Final Impact Statement prepared for this notice. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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 as "not significant."

Memphis Grain and Hay Association (the "Agency"), 1390 Channel Avenue, P.O. Box 13302, Memphis, Tennessee 38113, was designated as an official agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on February 1, 1979. The designation also included an assignment of geographic area, on an interim basis, within which this Agency would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act.

The Act provides that not more than one official agency shall be operating at one time within an assigned geographic area.

The proposed geographic area assigned on an interim basis to the Agency was announced in the November 23, 1979, issue of the **Federal Register** (44 FR 67200). No comments were received. Accordingly, after due consideration of all information available to the United States Department of Agriculture, the geographic area shall remain as originally proposed.

The geographic area assigned to the Agency is:

In Arkansas, the area shall include the following counties: Craighead, Crittenden, Cross, Lee, Mississippi, Philips, Poinsett, and St. Francis.

In Tennessee, the area shall include the following counties: Carroll, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Henderson, Lauderdale, Madison, McNairy, Shelby, and Tipton.

In addition, the following location which is outside of the foregoing contiguous geographic area and is to be serviced by the Agency shall be considered as part of the Agency's geographic area: Lockhart-Thompson Grain Elevator, Augusta, Arkansas, in Woodruff County.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting the Agency or the Delegation and Designation Branch, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on: July 15, 1980.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 80–21944 Filed 7–21–80; 8:45 am]

BILLING CODE 3410–02–M

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Tuesday, July 22, 1980

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Rules Going Into Effect Today

Nuclear Regulatory Commission

30614 5-9-80 / Requirement for periodic updating of final safety analysis reports

List of Public Laws

Last Listing July 15, 1980

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H.R. 7474 / Pub. L. 96-310 Ocean Thermal Energy Conversion Research, Development, and Demonstration Act. (July 17, 1980; 94 Stat. 941) Price $1.

H.R. 7573 / Pub. L. 96-311 To provide an extension of the time frame for nomination of a selection pool under the Cook Inlet land exchange. (July 17, 1980; 94 Stat. 947) Price $1.

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