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Monday
November 10, 1980

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue

74612 **Scholarships** Harry S. Truman Scholarship Foundation is accepting nominations from eligible institutions of higher education for Truman Scholarships, apply by 12–1–80

74505 **Natural Gas** DOE/FERC proposes regulations implementing alternative fuel price ceilings for incremental pricing; comments by 12–5–80

74680 **Grant Programs** Interior/OSM clarifies submission date for allotment grants for mining and mineral resources, research institutes and mineral research projects; effective 12–10–80 (Part V of this issue)

74567 **Consumer Food Study** FTC extends comment period to November 30, 1980 on study of consumer response to availability of advertised specials

74676 **Sex Discrimination** EEOC publishes final amendment to guidelines on discrimination because of sex; effective 11–10–80 (Part IV of this issue)

74672 **Natural Gas** DOE/ERA publishes regulations regarding synthetic natural gas feedstock allocation revisions; effective 12–15–80 (Part III of this issue)

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There are no restrictions on the republication of material appearing in the **Federal Register.**

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.

Highlights

74521 **Governmental Programs** ACTION proposes treatment of volunteer payments and services by Governmental programs; comments by 12–10–80

74572 **Fuel** ICC authorizes 13 percent surcharge on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed; effective 11–7–80

74499 **Space Transportation** NASA proposes space transportation system regarding insurance and indemnification of NASA space vehicle users; comments by 1–9–81

74471 **Continental Shelf** Interior/GS publishes revised regulations regarding oil and gas and sulphur operations in the Outer Continental Shelf; effective 11–10–80

74640 **Hazardous Materials Transportation** DOT/RSPA publishes corrections and clarifications regarding identification numbers, hazardous wastes and substances, international and improved descriptions, forbidden materials, and organic peroxides; effective 11–20–80 (Part II of this issue)

74688 **Fish** Interior/BIA amends conservation regulations governing Indian Fishing on the Hoopa Valley Indian Reservation; effective 12–10–80 (Part VII of this issue)

74684 **Acoustical Testing** Commerce/Sec'y request comments on preliminary finding of need to accredit laboratories that provide acoustical testing services; comments by 1–9–81 (Part VI of this issue)

74609 **Revenue Sharing** Treasury/IRS gives notice of issuance of revenue procedure to enhance ability of the IRS district offices to respond fully and effectively to inquiries by employees of business entities; effective 12–10–80

74463 **Fruits** USDA/AMS clarifies the intent of the order relative to the application of shipping holiday regulations to shipments of the specified fruits; effective 11–8–80

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74612 **VA**

74614 **Sunshine Act Meetings**

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 404

Western United States Apple Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; corrections.

SUMMARY: The Western United States Apple Crop Insurance Regulations (7 CFR Part 404) appearing as a final rule in the **Federal Register** at 45 FR 72619 on Monday, November 3, 1980, contained typographical errors in one section. This notice is published to correct those errors.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

Correction

Subsection (d) of 7 CFR 404.7, appearing in the lower left column of page 72621 [45 FR 72621], is corrected to read to the bottom of the column as follows:

§ 404.7 The application and policy.

* * * * *

(d) The provisions of the application and Western U.S. Apple Insurance Policy for the 1981 and succeeding crop years, and the Appendix A to the Western U.S. Apple Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application for 19—and Succeeding Crop Years

Western U.S. Apple Crop Insurance Contract

Contract number _____
Indentification Number _____
Name and Address _____
ZIP Code _____
County _____
State _____
Type of Entity _____
Applicant is over 18 Yes——No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the * * *

Issued in Washington, D.C., on Monday, November 3, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 80-34971 Filed 11-7-80; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 905

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Interpretation of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interpretative rule.

SUMMARY: The purpose of the rule is to clarify the intent of the order relative to the application of shipping holiday regulations to shipments of the specified fruits. Such action recognizes the practical operations involved in the preparation of fruit for market and is designed to facilitate the packing of fruit for export shipment.

EFFECTIVE DATE: November 8, 1980.

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 Statement relative to this rule is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures in Secretary's Memorandum 1955 to implement Executive Order 10244 and has been classified "not significant". This rule is issued under the marketing agreement, as amended, and marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, hereinafter referred to collectively as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Citrus Administrative Committee established under the order and other available information. It is found that this action will tend to effectuate the declared policy of the act.

Section 905.52(a)(3) of the order provides for a prohibition of shipments regulation on any variety of oranges, grapefruit, tangerines and tangelos for one period not exceeding 5 days during the week in which Thanksgiving Day occurs and for not more than two periods not exceeding a total of 14 days during the period December 20 through January 20 of a particular year. This section also provides that no such prohibition shall apply to exports other than to Canada or Mexico. Section 905.52(d) provides that whenever any variety is regulated pursuant to paragraph (a)(3), no such regulation shall be deemed to limit the right of any person to sell, contract to sell, or export other than to Canada or Mexico such variety but no handler shall otherwise ship any fruit of such variety which was prepared for market during the effective period of such regulation.

In recent years export has become increasingly important as a market for fruit. Such markets often demand only a limited number of grades or sizes. The fruit when brought from the grove to the packinghouse contains a commingling of grades and sizes. Consequently, it is necessary to grade and size the entire lot in order to separate the grades and sizes needed to fill the export order. A clarification of § 905.52(d) is necessary to carry out the primary intent of this paragraph with respect to noninterference with export since a literal reading could lead to the conclusion that the grades and sizes not desired for export which were prepared for market incidentally with fruit for export could not be shipped to domestic markets.

The rule specifies that prior to shipment of any variety so prepared the handler shall provide the committee, or

its designated agent, a copy of the shipping manifest applicable to such shipment with a notation thereon that the fruit was packed incidentally as part of a lot packed for export, other than to Canada or Mexico. This requirement is necessary to assure compliance with the provision in § 905.52(d) that no handler shall otherwise ship any fruit of such variety which was prepared for market during the effective period of such regulation except as provided herein.

This action was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this rule is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044. This action is in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553.559). It is necessary to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937 to make this provision effective as specified.

The interpretative rule is as follows:

Subpart—Interpretative Rule

§ 905.400 Interpretation of certain provisions.

(a) In interpreting the provisions of § 905.52(d), the limitation on shipment of any variety regulated pursuant to paragraph (a)(3) of this section, which was prepared for market during the effective period of such regulation, shall not be deemed to apply to shipment of such variety which was prepared for market incidentally as part of a lot packed for export, other than to Canada or Mexico, and shipped following the period of regulation.

(b) Prior to shipment of any variety so prepared the handler shall provide the Citrus Aministrative Committee, or its designated agent, a copy of the shipping manifest applicable to such shipment with a notation thereon that the fruit was packed incidentally as part of a lot packed for export, other than to Canada or Mexico.

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

Dated: November 4, 1980, to become effective November 8, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-34969 Filed 11-7-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 927 and 931

Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington, and California; Fresh Bartlett Pears Grown in Oregon and Washington; Expenses and Rates of Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These actions authorize expenses and rates of assessment for the 1980–81 fiscal year, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering Oregon, Washington, and California winter pears, and Bartlett pears grown in Oregon and Washington.

DATES: Effective July 1, 1980, through June 30, 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 Statements relative to these final rules are available on request from the above named individual.

SUPPLEMENTARY INFORMATION: These final actions have been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and have been classifed "not significant". These final rules are issued under Marketing Order Nos. 927, as amended, and 931 (7 CFR Parts 927 and 931), respectively regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, and Bartlett pears grown in Oregon and Washington. These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon recommendations and information submitted by the Control Committee and the Northwest Fresh Bartlett Pear Marketing Committee, and other available information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

These actions were recommended at public meetings at which all present could state their views. There is insufficient time between the date when information became available upon which these final rules are 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 begin July 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 §§ 927.220 and 931.215 are added to read as follows: (§§ 927.220 and 931.215 expire June 30, 1981, and will not be published in the annual Code of Federal Regulations).

Marketing Order 927

§ 927.220 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Control Committee during the period July 1, 1980, through June 30, 1981, will amount to $139,262.

(b) The rate of assessment for said period payable by each handler in accordance with § 927.41 is fixed at $0.0150 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

Marketing Order 931

§ 931.215 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the period July 1, 1980, through June 30, 1981, will amount to $30,786.

(b) The rate of assessment for said period payable by each handler in accordance with § 931.41 is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(Sec. 1.19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 5, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-35073 Filed 11-7-80; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrication Administration

7 CFR Part 1701

Public Information, Appendix A—REA Bulletins; Acceptance Tests for Stored Program, Processor—Controlled Digital Central Offices

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to provide for the addition of Appendix VII, "Acceptance Tests for Stored Program, Processor-Controlled Digital Central Offices," to REA Bulletin 384–2. With the introduction of digital switching equipment it becomes necessary to furnish acceptance test procedures for that type of equipment. Other appendices of Bulletin 384–2 cover acceptance test procedures for step-by-step switching equipment.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Maynard S. Knapp, Chief, Central Office Equipment Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1334–S, U.S. Department of Agriculture, Washington, D.C. 20250. telephone (202) 447–5773. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, "Improving Government Regulations," and has been classified "not significant."

A Notice of Proposed Rulemaking was published in the **Federal Register** on June 6, 1980, Volume 45, Number 111, 45 FR 38064. However, no public comments were received in response to the notice.

Dated: October 30, 1980.

Robert W. Feragen,

Administrator.

[FR Doc. 80-34968 Filed 11-7-80; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Braniff Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment to the regulations of the Immigration and Naturalization Service to add a carrier to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the preinspection of their passengers and crews at places outside the United States. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATE: October 21, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order adds a transportation line to the listing and is editorial in nature.

The Commissioner of the Immigration and Naturalization Service entered into an agreement with the following named carrier on the date indicated to guarantee the preinspection of its passengers and crew at a place outside of the United States under section 238(b) of the Immigration and Nationality Act and 8 CFR Part 238:

Braniff Airways, Inc. Effective date: October 21, 1980.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

§ 238.4 *Preinspection outside the United States,* the listing of transportation lines preinspected at Montreal and at Toronto are amended by adding in alphabetical sequence "Braniff Airways, Inc." under both headings.

(Secs. 103, 238(d); (8 U.S.C. 1103, 1228(b))

Dated: November 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-34915 Filed 11-7-80; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Guyana Airways Corporation

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulation of the Immigration and Naturalization Service adds a carrier to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATE: October 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code [80 Stat. 383], as amended by Pub. L. 93–502 [88 Stat. 1561], and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order adds a transportation line to the listing and is editorial in nature.

The Commissioner of Immigration and Naturalization Service entered into agreement with the following named

carrier on the date indicated to gurantee the passage through the United States of aliens in immediate and continuous transit destined to foreign countries under section 238(d) of the Immigration and Nationality Act and 8 CFR: Guyana Airways Corporation.

Effective date: October 27, 1980.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit,* the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "Guyana Airways Corporation."

* * * * *

(Secs. 103 and 238(d), 8 U.S.C. 1103 and 1228(d))

Dated: November 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-34914 Filed 11-7-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-50-AD, Amdt. 39-3971]

Airworthiness Directives: Hiller UH-12D, UH-12E and Bell 47G Series Helicopter as Modified by Soloy Conversions, Ltd. STC Nos. SH177WE, SH178WE and SH657NW Respectively

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires a one time inspection of all Soloy lower transmission oil lubrication jets for proper brazing of each braze joint. This action is prompted by two reported failures of oil jet assemblies, one of which was a complete separation of the oil jet from its retaining fitting. Such a failure may result in complete transmission failure and possible loss of the aircraft.

DATES: Effective Date: November 20, 1980. Compliance: 25 hours time in-service or 30 days, whichever occurs first after the effective date of this AD.

ADDRESSES: The Soloy Service Bulletins specified in this directive may be obtained upon request to: Soloy Conversions, Ltd., Post Office Box 60, Chehalis, Washington 98532. This document may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Daniel I. Cheney, Propulsion Branch, ANW-140S, Seattle Aircraft Certification Area Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2520.

SUPPLEMENTARY INFORMATION: Recently, an operator of a Hiller UH-12 helicopter which had been converted to turbine power by Soloy Conversions, Ltd., Supplemental Type Certificate (STC) No. SH177WE or SH178WE aborted a takeoff when he observed a dramatic drop of transmission oil presure. A subsequent investigation revealed that one lower transmission gearcase oil jet assembly had separated at the braze joint between the protruding oil jet and the AN fitting that mounts the assembly into the gearcase. Upon further investigation, a second oil jet assembly was discovered where the jet had become loose in the braze joint. A separated oil jet may result in immediate transmission failure due to the jet becoming caught in the transmission gears, or in eventual upper or lower transmission seizure from overheating, due to reduced oil flow to the remaining jets.

Examination of the two defective parts disclosed that the brazing on the affected joint, from the time of manufacture, was either omitted completely or found to be inadequate. Bell 47G series helicopters converted by Soloy STC No. SH657NW are also subject to this condition since these use the same oil jets as the Soloy converted Hillers. Since this situation may exist in other helicopters of the same type design, an Airworthiness Directive is being issued to require a one time visual inspection of all Soloy lower transmission oil lubrication jets for a complete fillet of braze material around each joint, and for a check that the jet is secure in the base of the oil jet assembly. This AD requires that any defective jets discovered be replaced before further flight.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Soloy Conversions, Ltd.: Applies to Hiller UH-12D, UH-12E (including 4 place) and Bell 47G series helicopters certificated in all categories which have been converted to turbine power under Soloy Conversions, Ltd. Supplemental Type Certificates SH177WE, SH178WE and SH657NW respectively.

Compliance required within 25 hours time in-service or 30 days, whichever occurs first after the effective date of this AD.

To prevent failure of Soloy transmission oil lubrication jets which may result in complete transmission failure and possible loss of the aircraft:

1. Inspect all Soloy transmission oil lubrication jets in accordance with the following Soloy Service Bulletins:

a. Soloy/Hiller UH-12D and UH-12E (including 4 place): 14-560 dated October 20, 1980, or later FAA Approved revisions.

b. Soloy/Bell 47G series: 14-660 dated October 20, 1980, or later FAA Approved revisions.

2. Replace defective jets before further flight.

Equivalent methods of compliance may be used when approved by the Chief, Seattle Aircraft Certification Area Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Soloy Conversions, Ltd., Post Office Box 60, Chehalis, Washington 98532. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective November 20, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12004 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on October 31, 1980.

Charles R. Foster,

Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the **Federal Register** on June 19, 1967.

[FR Doc. 80-34937 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-47-AD, Amdt. 39-3970]

Airworthiness Directives: Boeing Model 737 Series Airplanes Equipped with Auxiliary Body Fuel Tanks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: FAA Airworthiness Directive (AD) 80-02-02 (Amdt. 39-3660; January 10, 1980, 45 FR 2008) requires a recurring pressure and air flow test of the Boeing Model 737 auxiliary body fuel tank refuel and vent system shrouds. The AD was amended by Amdt. 39-3863, July 31, 1980, 45 FR 50722 to relieve operators of those test requirements by allowing the installation of newly designed refuel and vent line shrouds. This amendment adds to the amended listing of shrouds and corrects an error in the earlier list.

DATES: Effective date November 20, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Walker, Propulsion Section, ANW-214, Engineering and Manufacturing Branch, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2520.

SUPPLEMENTARY INFORMATION: The list of original design part number shrouds and corresponding final design shrouds presented in Amdt. 39-3863, AD 80-02-02 has been determined not to be complete. The airplane manufacturer has found that additional old design shrouds were installed on some early airplanes and these shrouds were not listed in the above mentioned amendment. In addition, an error in the 737 shroud list was found.

Since this amendment is relieving in nature and imposes no additional burden, it is found that notice and public procedures hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Airworthiness Directive 80-02-02 (Amdt. 39-3660, January 10, 1980, 45 FR 2008; as amended by Admt. 39-3863, July 31, 1980, 45 FR 50722) as follows:

1. Add to Paragraph D the following list of shrouds:

Original design part numbers	Interim design part numbers	Final design part numbers
10-61707-3	10-61707-65	10-61707-651
10-61707-4	10-61707-66	10-61707-652
10-61707-5	10-61707-67	10-61707-671
10-61707-6	10-61707-68	10-61707-681
10-61707-7	10-61707-69	10-61707-691

2. Correct in Paragraph D part number listed as 10-61707-711 (Final Design) to read instead: 10-61707-40 (Original Design; 10-61707-70 (Interim Design); and 10-61707-701 (Final Design).

This amendment becomes effective November 20, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979)

Issued in Seattle, Wash., on October 31, 1980.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 80-34938 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-46-AD; Amdt. 39-3969]

Airworthiness Directives: Boeing Model 727 Series Airplanes Equipped with Auxiliary Body Fuel Tanks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: FAA Airworthiness Directive (AD) 80-02-01 (Amdt. 39-3659; January 10, 1980, 45 FR 2007) requires a recurring pressure and air flow test of the Boeing Model 727 auxiliary body fuel tank refuel and vent system shrouds. The AD was amended by Amdt. 39-3864, July 31, 1980, 45 FR 50722 to relieve operators of those test requirements by allowing the installation of newly designed refuel and vent line shrouds. This amendment adds to the amended listing of shrouds and corrects an error in the earlier list.

DATES: Effective date November 20, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Walker, Propulsion Section, ANW-214, Engineering and Manufacturing Branch, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2520.

SUPPLEMENTARY INFORMATION: The list of original design part number shrouds and corresponding final design shrouds presented in Amdt. 39-3864, AD 80-02-01, has been determined not to be complete. The airplane manufacturer has found that additional old design shrouds were installed on some early airplanes and these shrouds were not listed in the above mentioned amendment. In addition, an error in the 727 shroud list was found.

Since this Amendment is relieving in nature and imposes no additional burden, it is found that notice and public procedures hereon are unnecessary, and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Airworthiness Directive 80-02-01 (Amdt. 39-3659, January 10, 1980, 45 FR 2007, as amended by Amdt. 39-3864, July 31, 1980, 45 FR 50722) as follows:

1. Add to Paragraph D, the following list of shrouds:

Original design part numbers	Interim design part numbers	Final design part numbers
10-61707-8	10-61707-49	10-61707-491
-9	-50	-501
-10	-51	-511
-11	-52	-521
-12	-53	-531
-13	-54	-541
-14	-55	-551
-15	-56	-561
-16	-57	-571
-17	-58	-581
-18	-59	-591

2. Correct in Paragraph D, part number listed as 10-61707-40 (Original Design); 10-61707-70 (Interim Design); and 10-61707-701 (Final Design) to read instead: 10-61707-41 (Original Design); 10-61707-71 (Interim Design); and 10-61707-711 (Final Design).

This amendment becomes effective November 20, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 120-4 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issues in Seattle, Wash., on October 31, 1980.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 80-34939 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-CE-38-AD; Amdt. 39-3968]

Beech Model A36TC Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 80-21-02, applicable to certain Beech Model A36TC airplanes. The AD requires, prior to further flight, the installation of a drain hose on the idle fuel adjustment screw boss on the fuel metering assembly. This action is necessary in order to drain any fuel which may leak from the boss clear of the airplane so that it will not impinge on hot exhaust system parts and cause an in-flight fire.

EFFECTIVE DATE: November 17, 1980, to all persons except those to whom it has already been made effective by letter from the FAA dated October 1, 1980.

Compliance: Prior to further flight unless already accomplished.

FOR FURTHER INFORMATION CONTACT: R. A. Brenk, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: A fuel leak was detected in the engine compartment of a Beech Model A36TC airplane prior to takeoff. Tests showed the leak to come from the idle adjustment screw boss on the fuel metering assembly located on the throttle body on the left rear side of the engine. Had this leak not been detected, the leak could have impinged on hot exhaust system surfaces and an in-flight fire could have resulted. The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design thereby requiring the issuance of an AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by letter dated October 1, 1980. The AD became effective as to those individuals upon receipt of that letter and is identified as AD 80-21-02. Since this unsafe condition described herein may still exist on certain other serial numbers of Beech Model A36TC airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification. This AD, which is applicable to Beech Model A36TC (Serial Numbers EA-1 through EA-146) airplanes, requires, prior to further flight, installation of a drain hose on the idle fuel adjustment screw boss on the fuel metering assembly. This action will drain any fuel which may leak from the boss clear of the airplane so that it will not impinge on hot exhaust system parts and cause an in-flight fire.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Beech: Applies to Model A36TC (Serial Numbers EA-1 through EA-146) airplanes:

Compliance: Required as indicated unless already accomplished.

To prevent the possibility of a fuel leak which could result in an engine compartment fire, accomplish the following:

(A) Prior to further flight:

1. Install a drain hose over the idle fuel adjustment screw boss on the fuel metering assembly located on the rear of the throttle body on the left rear side of the engine, and clamp the hose to the housing. (Use a Part Number AN737 clamp and a one-half inch inside diameter Gates Part Number 6B or 3219C or Aeroquip Part Number 303 or Stratoflex Part Number 111 hose or any equivalent hose which meets the requirements of MIL-H-8794.)

2. Route the hose to the right hand cowl flap opening and insure maximum clearance between the hose and the turbocharger/exhaust system.

3. Support the hose where necessary to prevent rubbing or chafing.

4. Cut the drain hose flush with the crankcase vent tube.

(B) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on November 17, 1980, to all persons except those to whom it has already been made effective by letter from the FAA dated October 1, 1980, and is identified as AD 80-21-02.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89 of the Federal Aviation Regulations (14 CFR sec. 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to FAA, Office of the Regional Counsel, Room 1558, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 30, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-34942 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-WE-15]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters a portion of the Placerville, California 700-foot transition area. This action redescribes the controlled airspace required to protect instrument flight operations at the Placerville Airport.

EFFECTIVE DATE: December 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On September 8, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area for Placerville, California (45 FR 59174). Redesignation of this transition area will provide controlled airspace for protection of instrument operations at the Placerville Airport. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the propsal to the FAA. No comments objecting to the proposal were received. This amendment is the

same as that proposed in the notice. Section 71.181 was republished in the Federal Register on January 2, 1980 (45 FR 445).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the transition area at Placerville, California. This transition area provides protection for instrument operations authorized for the Placerville Airport. This amendment increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., December 25, 1980, as follows:

§ 71.181 Placerville, California [Amended]

Delete the period following * * *"southwest of the VOR" and add "and within four miles each side of the Hangtown VOR 197° radial extending from four mile radius area to eleven miles south of the VOR."

(Secs. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on October 21, 1980.

John D. Mattson,

Director, Western Region.

[FR Doc. 80-34945 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3042]

Bendix Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Southfield, Mich., industrial firm engaged in four major business segments: Automotive, aerospace-electronics, forestry and industrial-energy, to divest itself of the Warney & Swasey Rotating Toolholder Business and the Bendix Crush-Form Grinder Business within one year of the effective date of the order to a Commission-approved firm. Further, the order requires Bendix to maintain the businesses as viable business entities, and prohibits any diminishing of their value prior to their divestiture. The order also places a ten-year ban on the purchase of any concerns engaged in the rotating toolholder market or in the external cylindrical grinding machine market without prior Commission approval.

DATES: Complaint and Order issued September 23, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Tuesday, July 15, 1980, there was published in the **Federal Register**, 45 FR 47438, a proposed consent agreement with analysis In the Matter of The Bendix Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5-20, Federal Trade Commission Act.

(Sec. 6, Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; (15 U.S.C. 45, 18))

Carol M. Thomas,

Secretary.

[FR Doc. 80-34923 Filed 11-7-80; 8:45 am]

BILLING CODE 6750-01-M

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

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Quota Cheese Subsidy Determinations

AGENCY: International Trade Administration.

ACTION: Final rule.

SUMMARY: These regulations add a new Subpart D concerning the determination by the Secretary of Commerce of the existence and amount of quota cheese subsidies, under the authority of section 702 of the Trade Agreements Act of 1979 and Reorganization Plan No. 3 of 1979.

EFFECTIVE DATE: November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Robert F. Seely, Office of the General Counsel, Department of Commerce, Washington, D.C. 20230: 202-377-3295.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements of 1979 (19 U.S.C. 1202) ("the Trade Agreements Act") requires the President to prohibit in whole or in part the entry of or to impose a fee on importations of quota cheese (as defined in section 701 of the Trade Agreements Act, 19 U.S.C. 1202) with respect to which (1) the Secretary of Commerce determines that a foreign government has been providing subsidies and (2) the Secretary of Agriculture determines there have been sales at wholesale, duty-paid prices below the domestic wholesale price of similar cheese produced in the United States, provided the price undercutting is not eliminated within 15 days after the U.S. Trade Representative notifies the foreign government of these determinations. Any import fee imposed by the President pursuant to section 702 of the Trade Agreements Act is limited to an amount, not to exceed the amount of the subsidy, necessary to ensure that the duty-paid wholesale price of the import will not be less than the domestic wholesale market price of similar articles produced in the United States.

Background

The Department of the Treasury published a proposed rule and request for comments on this regulation concerning quota cheese subsidy determinations as 19 CFR Subpart E (§§ 155.60-153.64) on October 3, 1979 (44 FR 57057). Effective January 2, 1980, the responsibilities of the Treasury Department under section 702 of the Trade Agreements Act were transferred to the Department of Commerce, pursuant to Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979)

and Executive Order No. 12188 (45 FR 989, January 4, 1980).

The Department of Commerce published in 45 FR 4932, January 22, 1980, a final rule effective January 22, 1980, which announced regulations concerning countervailing duties and gave notice of its decision to defer publication of final regulations concerning the determination of subsidies on quota cheese. The Department invited additional public comment on the Treasury Department's proposal of October 3, 1979 concerning quota cheese.

The Department has considered all comments received and has incorporated some of them into this final rule, Subpart D. We adopted a suggestion to delete the requirement contained in § 153.63 of the proposed regulations that complaints of price undercutting be filed with the "administering authority", which is Department of Commerce after January 2, 1980, as well as with the Department of Agriculture. The statutory language and legislative history supported the change.

In addition, the Department adopted a suggestion to simplify the content of the petition, described in § 355.48(b) of the final rule. The comparable section of the Treasury Department's proposed rule, § 155.62(b) contained requirements considered unnecessary and burdensome to petitioner. For the same reason, we reduced the required number of copies of the petition from 10 to 5.

Rather than require determination and publication of only the net subsidy, as defined in section 771(b) of the Tariff Act of 1930 as amended (19 U.S.C. 1677) ("the Tariff Act"), the final rule requires determination of both the net and the gross subsidy, as defined in section 771(5) of the Tariff Act. This requirement is intended to provide the Department of Agriculture with as much relevant information as possible on which it can base its determination of price undercutting by subsidized imports, pursuant to section 702(b) of the Trade Agreements Act.

Drafting Information

The principle drafter of this final rule was Robert Seely, Office of the General Counsel, Department of Commerce. Other Department of Commerce employees assisted in the drafting.

Regulatory Analysis

Regulatory analysis of these regulations is unnecessary, because the economic consequence of this program flow directly from the legislation which authorizes it.

Final Regulations

Accordingly, Title 19, Part 355 of the Code of Federal Regulations, as effective January 22, 1980 (45 FR 4932), is amended as follows by adding a new Subpart D.

Dated: November 3, 1980.

John D. Greenwald,

Deputy Assistant Secretary (Import Administration).

Subpart D—Quota Cheese Subsidy Determinations

§ 355.45 Scope.

This subpart sets forth procedures and rules by which the Department determines the existence and amount of subsidies with respect to quota cheese, and publishes these determinations, under section 702 of the Trade Agreements Act of 1979, Pub. L. 96–39 (July 26, 1979), 93 Stat. 144, 269 (hereinafter referred to as "the Trade Agreements Act").

§ 355.46 "Subsidy" Defined.

For the purpose of this subpart, the term "subsidy" means both "subsidy" and "net subsidy" as defined in sections 771(5) and 771(6) of the Tariff Act of 1930, as amended.

§ 355.47 Annual list and quarterly update.

(a) Annual List. Not later than January 1 of each year, the Department, in consultation with the Secretary of Agriculture, shall determine on the basis of the best information then available whether any foreign government is providing a subsidy as defined in section 355.46, with respect to any article of quota cheese, as defined in section 701(c)(1) of the Trade Agreements Act, and shall publish in the **Federal Register** a list of the type and amount of each such subsidy. In annual lists published on and after January 1, 1981 the Department shall incorporate the changes and additional subsidies determined for the preceding calendar year under paragraph (b) of section 355.48 and paragraph (b) of this section.

(b) Quarterly update. Not later than April 1, July 1, and October 1 of each year, the Department, in consultation with the Secretary of Agriculture, shall determine on the basis of the best information then available whether there have been any changes in the type or amount of any subsidy included in the subsidy included in the latest annual list published under paragraph (a) of this section and whether any subsidy not included in such list is being provided by a foreign government, and shall publish in the **Federal Register** determinations with respect to any such changes and additional subsidies.

§ 355.48 Determinations upon request.

(a) Request for determination. Any person, including the Secretary of Agriculture, who has reason to believe there have been changes in the type or amount of any subsidy included in the current annual list (as modified by the latest quarterly update, if any) or that a subsidy not included in such list (as updated) is being provided by a foreign government, may file a petition to request the Department to determine whether there are any changed or additional subsidies.

(b) Contents of petition. Any petition requesting a determination under paragraph (a) of this section shall be filed with the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th St. & Constitution Avenue, N.W., Washington, D.C. 20230. Such petition shall allege either a change in the type or amount of any subsidy included in the latest annual list (as updated) or an additional subsidy provided by a foreign government not included in such list (as updated), and shall contain or be accompanied by, information reasonably available to the petitioner in substantially the following form:

(1) The name and address of the petitioner;

(2) The article of quota cheese allegedly benefitting from the changed or additional subsidy;

(3) The country of origin of such article of quota cheese, and

(4) All pertinent facts with regard to the alleged changed or additional subsidy including, if known, the statutory or other authority under which it is provided, the manner in which it is paid, and the value of such subsidy when received and used by producers or sellers of the article.

The petition and, to the extent feasible, all supporting information shall be submitted on letter-size paper, double space typewritten or printed, in 5 copies. Unless such requirement is waived in individual cases, foreign language submissions must be accompanied by an English language translation.

(c) Determination. Not later than 30 days after receiving an acceptable request, the Department shall,

(1) In consultation with the Secretary of Agriculture, determine on the basis of the best information then available whether there have been any changes in the type or amount of any subsidy included in the latest annual list (as modified by any quarterly update) or whether any subsidy not included in

such list (as updated) is being provided by a foreign government;

(2) Notify the Secretary of Agriculture and the person making the request of such determination; and

(3) Publish in the **Federal Register** notice of any such changed or additional subsidies.

Any determination under this section shall be in addition to the annual list and quarterly determinations under section 355.46.

§ 355.49 Complaints of price-undercutting by subsidized imports.

Upon receipt of a complaint filed with the Secretary of Agriculture under section 702(b) of the Trade Agreements Act concerning price-undercutting by subsidized imports, the Department shall promptly determine as provided in section 355.48(c) whether or not the alleged subsidies are included in or should be added to the current annual list under section 355.47(a) (as updated).

The Department of Agriculture regulations concerning complaints of price-undercutting by subsidized imports of quota cheese are published in 7 CFR Part 6.

§ 355.50 Access to Information.

The procedures concerning access to, and confidential treatment of, information contained in Subpart B of this part, shall apply to information submitted in connection with this subpart.

[FR Doc. 80-34920 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Final Rule.

SUMMARY: The Geological Survey is revising its regulations in § 250.18 on Rights of use and easement, and is also adding a new regulation on pipeline approval. These changes are the result of a Memorandum of Understanding between the Bureau of Land Management and the Geological Survey which more definitely defines the roles of each agency with respect to pipeline approval on the Outer Continental Shelf.

EFFECTIVE DATE: The effective date of these changes is November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald Prehoda, Branch of Offshore Field Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092, (703) 860-7571.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management (BLM) and USGS on August 23, 1980, signed a Memorandum of Understanding (MOU) which defined and realigned the administrative and operational roles of each Agency as they relate to the approval of pipelines on the Outer Continental Shelf.

Under the terms of the MOU, each Agency's permitting authority is split as follows:

USGS—The USGS will issue permits for OCS pipelines that are *wholly contained* within the boundaries of a single lease, the boundaries of unitized leases, or the boundaries of contiguous (not cornering) leases of the same owner or operator.

BLM—BLM will issue permits for OCS pipelines which are not wholly contained within boundaries of a single lease, the boundaries of unitized leases, or the boundaries of contiguous (not cornering) leases of the same operator.

Prior to the signing of this new MOU, the USGS-BLM permitting authorities were split along somewhat more complex lines. The USGS, in addition to permitting leasehold pipelines, also granted rights of use and easements to construct pipelines that could also go off-lease. Under certain circumstances, these off-lease lines could also fall under BLM's right-of-way approval. This division of permitting authority was a source of confusion which triggered the preparation and eventual signing of the previously mentioned MOU.

The effect of the MOU as far as the USGS is concerned is to generally limit its permitting authority to lease lines. Since rights of use and easements as they relate to OCS pipelines are no longer applicable to the USGS, the regulations must be revised to reflect this fact.

Environmental Impact and Regulatory Analysis

The Department of the Interior has determined that the revision of 30 CFR 250.18 and the addition of 30 CFR 250.20 is not a major Federal action significantly affecting the quality of the human environment, and, therefore, preparation of an Environmental Impact Statement is not required. The Department has also determined that this Final Rule is not a significant action and does not require the preparation of a regulatory analysis under Executive Order 12044.

Dated: November 3, 1980.

Joan M. Davenport,

Assistant Secretary—Energy and Minerals.

30 CFR Part 250 as it appeared in the **Federal Register**, Vol. 44, No. 209, (44 FR 61886) on October 26, 1979, is amended as follows:

Section 250.18 is amended as follows:

A. Paragraph (b) is removed in its entirety.

B. Paragraph (c) is redesignated as paragraph (b) and revised, and paragraphs (d) and (e) are redesignated as paragraphs (c) and (d) respectively. New paragraph (b) reads as follows:

§ 250.18 Rights of use and easement.

* * * * *

(b) The Director may approve the design, fabrication, and plan of installation of all platforms, artificial islands, and installations, and other devices permanently or temporarily attached to the seabed on the OCS as a condition of the granting of a right of use and easement under paragraph (a) of this section, or as authorized under any lease issued or maintained under the Act.

* * * * *

A new § 250.20, is added as follow:

§ 250.20 Pipeline approval.

The director shall approve the design, fabrication, and the plan of installation of OCS pipelines that are wholly contained within the boundaries of a single lease, the boundaries of unitized leases, or the boundaries of contiguous (not cornering) leases of the same owner or operator.

[FR Doc. 80-34982 Filed 11-7-80; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 78-041b]

Puget Sound Vessel Traffic Service Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects two typographical errors, caused by an error in a previous correction document published in the **Federal Register** on August 11, 1980, at 45 FR 53135 relating to Puget Sound Vessel Traffic Service.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel W. Ziegfeld, Office of Marine Environment and Systems (G-WWM/11), Room 1104, U.S. Coast Guard Headquarters, 2100 Second Street, S.W.,

Washington, D.C. 20593, (202) 426–1934. Normal office hours are 7 a.m. to 5 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION: Drafting information—The principal persons involved in drafting this document are Mr. Daniel W. Ziegfeld, Project Manager, Office of Marine Environment and Systems, and LCDR Jack Orchard, Project Counsel, Office of the Chief Counsel.

A final rule was published on July 21, 1980 at 45 FR 48822, which amended the vessel traffic service (VTS) regulations in Puget Sound. The final rule included descriptions of precautionary areas (§ 161.187) and separations zones (§ 161.183) which were identified by reference to buoys that were intended to be designated consecutively in alphabetical order (i.e., SA, SB, SC . . . etc.). However, one buoy (SF) had been permanently removed, thus creating a gap in the consecutive designations. When the final rule was published, the buoys had not been redesignated to fill the gap. In an attempt to avoid confusion to the mariner, the Coast Guard, on August 11, 1980, at 45 FR 53135, published a correction document to eliminate this error. Unfortunately, the correction document only corrected the error in § 161.187, entitled "precautionary areas". Section 161.183, entitled "separation zones", contained two errors which were not corrected. In paragraph 161.183(c)(8), the reference to "SE and SG" should read "SE and SF." Likewise, in paragraph 161.183(c)(9), the reference to "SC and SG" should read "SF and SG".

Accordingly, the Coast Guard is correcting 33 CFR 161.183(c)(8) and (c)(9) to read as follows:

§ 161.183 Separation zones.

* * * * *

(c) * * *

(8) Between precautionary area "SE" and "SF".

(i) * * *

(ii) * * *

(9) Between precautionary area "SF" and "SG".

(i) * * *

(ii) * * *

* * * * *

(Sec. 2, Pub. L. 95–474, 92 Stat. 1471, (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

Dated: November 4, 1980.

[FR Doc. 80-35113 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL-1663-1]

Air Programs; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve conditionally revisions to the New York State Implementation Plan which address attainment of national ambient air quality standards for sulfur dioxide, carbon monoxide, and ozone in areas of the Niagara Frontier Air Quality Control Region designated as nonattainment for these pollutants. These revisions were prepared by the State to meet the requirements of Part D, "Plan Requirements for Nonattainment Areas," of the Clean Air Act, as amended in 1977.

EFFECTIVE DATE: This action is effective on November 10, 1980.

ADDRESSES: Copies of the SIP revision submitted by New York State, supplementary information, and public comments are available for inspection during normal business hours at the following addresses:
Environmental Protection Agency
Region II
Air Programs Branch, Room 908
26 Federal Plaza
New York, New York 10278
Environmental Protection Agency
Public Information Reference Unit
401 M Street, S.W.
Washington, D.C. 20460
The Office of the Federal Register
1100 L Street, N.W.
Room 8401
Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

I. Background

A. General Discussion

Pursuant to the requirements of Section 107(d) of the Clean Air Act, as amended in 1977, the Environmental Protection Agency (EPA) published in the **Federal Register**, on March 3, 1978 (43 FR 8962), designations of the attainment status with respect to each national ambient air quality standard for every area within the State of New York. These designations were revised on January 25, 1979 (44 FR 5119). A further revision to the designations, with regard to the ozone standard, was published on December 7, 1979 (44 FR 70466); this revision, however, did not modify the attainment status designation of any area in the Niagara Frontier area. The reader is referred to the January 25, 1979 notice for a detailed description of the geographic areas covered by this final rulemaking action. A general description is contained in the revisions to Section 52.1682, "Attainment dates for national standards," promulgated at the end of this notice.

Part D of the Clean Air Act requires that for each area designated as not meeting a national ambient air quality standard, a State Implementation Plan (SIP) revision must be developed by the state and submitted to EPA by January 1, 1979. The SIP revision must provide for attainment of the contravened standard by December 31, 1982 or, for certain pollutants, no later than December 31, 1987. The required contents of such SIP revisions are described in Part D and, more generally, in Section 110(a) of the Clean Air Act. EPA's Guidance for implementation of these requirements can be found in **Federal Register** notices published on April 4, 1979 (44 FR 20372), July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182).

On May 25, 1979, the Governor of the State of New York formally adopted a SIP revision intended to meet these Clean Air Act requirements for those portions of the Niagara Frontier designated as not meeting a national ambient air quality standard. The document, which was formally submitted to EPA on May 31, 1979, is entitled "New York State Air Quality Implementation Plan, Niagara Frontier, Erie and Niagara Counties," May 1979. Notice of EPA receipt of the proposed SIP revision was announced in the **Federal Register** on June 28, 1979 (44 FR 37681). In addition, on May 23, 1979, November 13, 1979, and November 14, 1979, the State submitted additional information to EPA for inclusion in the proposed SIP revision.

On April 29, 1980, EPA published in the **Federal Register**, at 45 FR 28371, a notice of proposed rulemaking dealing with New York's SIP submittal for the Niagara Frontier, with regard to its provisions for addressing attainment of national ambient air quality standards for sulfur dioxide, carbon monoxide, and ozone. (Although the proposed SIP revision document submitted by the State also addresses attainment of

particulate matter ambient air quality standards, no action was then proposed on those aspects; EPA's proposed findings and actions on the particulate matter parts of the SIP were subsequently published in the **Federal Register** on August 15, 1980 (45 FR 54372)). The April 29, 1980 proposal described the provisions of the State's submittal, discussed EPA's proposed findings and actions, and requested comment on its determinations. The reader is referred to this notice for a detailed description of the material submitted.

In response, comments were received from the New York State Department of Environmental Conservation (letter dated June 24, 1980) and the Bethlehem Steel Corporation (letter dated June 27, 1980). In addition, general comments, addressed to national policy, were submitted by Covington & Burling, on behalf of the Manufacturing Chemists Association (letter dated July 5, 1979) and by the Natural Resources Defense Council, Inc. (letter dated August 6, 1979). As applicable, these comments are addressed in Section II, "Disposition of Proposed Conditions for Approval," and Section III, "Other Comments Received and Issues Raised," of today's notice. Also, on May 1, 1980, the State submitted additional information to EPA for inclusion in the proposed SIP revision; this supplemental material, submitted in fulfillment of four of the conditions proposed, is discussed in Section II.B of this notice.

Based on its review of the supplemental information and comments received, EPA is now taking final action to conditionally approve the New York State SIP revision as it relates to carbon monoxide, ozone and sulfur oxides.

B. Summary of SIP Contents

With respect to the pollutants addressed by this notice, the plan as revised by the State may be summarized as follows:

• Sulfur Dioxide

—The control of by-product coke oven emissions, to be accomplished as a result of compliance with a revised State regulation (6 NYCRR Part 214).

—The continued enforcement of existing State regulations for the control of sulfur oxide emissions, including a revised State regulation (6 NYCRR Part 225) which changes sulfur content limitations for fuel oil from 1.1 percent to 1.7 percent in Niagara County and areas in Erie County outside of Lackawanna and South Buffalo.

• Ozone

—The normal replacement of old automobiles with new ones (i.e., "vehicle turnover").

—The control of the following categories of stationary sources which emit volatile organic compounds: cutback asphalt, petroleum refineries, metal degreasing, surface coating, and gasoline storage and transfer. This is to be accomplished as a result of compliance with various new and revised State regulations.

• Carbon Monoxide

—Vehicle turnover.

• General

—Regulatory requirements for the review of major new sources and major modifications as contained in Part 231, "Major Facilities," and complementing administrative provisions.

C. Conditional Approval

A discussion of conditional approval and its practical effect appears in supplements to EPA's "General Preamble for Proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas" (44 FR 20371, April 4, 1979) at 44 FR 38583 (July 2, 1979) and at 44 FR 67182 (November 23, 1979). The conditional approval action taken today requires the State to submit to EPA additional material by the deadlines specified in today's notice. There will be no extensions of the conditional approval deadlines which are being promulgated in this notice. EPA will follow the following procedures in determining if the State has satisfied a condition:

1. When the State submits required documentation showing that a condition was met on schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition was fully met. After review is complete, a **Federal Register** notice will be published either proposing or taking a final action to find that the condition has been met and the plan can be approved, or to find that the condition has not been met and that conditional approval is withdrawn and the plan is disapproved. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on new major source construction will come into effect.

3. If the State fails to submit the required material needed to meet a condition in a timely fashion, EPA will publish a **Federal Register** notice shortly after the expiration of the deadline for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and that Section 110(a)(2)(I) restrictions on growth are in effect.

Elsewhere in this notice deadlines by which conditions must be met are being promulgated. Certain deadlines for satisfying conditions have been changed from those proposed and are being promulgated today without further notice and comment. EPA finds that, for good cause, additional notice and comment are unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has agreed to the deadlines. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions (See 44 FR 38583, July 2, 1979 and 45 FR 28371, April 29, 1980).

D. Attainment Dates and Compliance Deadlines

Revisions to Section 52.1682, "Attainment dates for national standards," which are promulgated at the end of today's notice, list the deadlines for attaining each national ambient air quality standard in the various areas of the State of New York. The version of this list appearing in the Code of Federal Regulations does not reflect the new deadlines provided for by Section 172(a) of the Clean Air Act, as amended in 1977. Today's notice updates this list where later dates were provided by the State in its SIP revision and where these later dates were approved by EPA.

However, sources subject to plan requirements and deadlines established prior to the 1977 Amendments to the Clean Air Act remain obligated to comply with those requirements as well as with the new Section 172 plan requirements. Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable," but not later than three years after the approval of a plan. This provision was not changed by the

1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D. (123 Cong. Rec. H11958, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. Even when a new requirement is being added to a SIP, the existing requirement may not ordinarily be relaxed or revoked. The new requirement does not supersede or replace the old requirement. Instead the existing requirement must remain an enforceable provision of the SIP, and must co-exist with the new requirement in the applicable implementation plan. The present emission control requirement must be retained because the source must be prevented from operating without controls (or with less stringent controls) while it is moving toward compliance with (or challenging) the new requirement.

There are some exceptions, however. A state may submit a relaxation or revocation of an existing requirement (or, for an existing requirement promulgated by EPA, have EPA relax or revoke it) if the requirement is in one or more of the following categories:

- Any existing requirement that conflicts with a new, more stringent requirement, making it highly impractical for a source to comply with the old requirement. Any exemption granted must be drawn as narrowly as possible, on a case-by-case basis, and will be acted upon by EPA as a SIP revision.
- Any federally promulgated indirect source review program and any bridge toll requirement revocable under Section 110(c)(5)(A) of the Clean Air Act.
- Any existing motor vehicle emission inspection and maintenance program or transportation control measure to the extent the measure is demonstrated not to be reasonably available, if the revised SIP satisfies all Part D requirements.
- Any new requirement in a 1979 SIP submittal designed for the previous 0.08 ppm ozone standard as long as the control measures in the revised SIP satisfy all requirements for the current 0.12 ppm standard.

A relaxation or revocation is also permissible if it will not contribute to concentrations of pollution where there is a violation of an ambient air quality standard or of a prevention of significant deterioration increment. Where relaxation of a requirement is allowed, but where the deadline for compliance is not relaxed, the new requirement must call for compliance no later than the existing deadline for compliance so that there is no gap in enforceability.

E. Requirements for Additional Stationary Source Controls

As noted in the "General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas" (44 FR 20376, April 4, 1979), the minimum acceptable level of stationary source control for SIPs developed to meet the ozone standard, such as New York's, includes the reasonably available control technology (RACT) requirement for volatile organic compound stationary sources covered by Control Technique Guidelines (CTGs) that EPA issued by January 1978 and schedules to adopt and submit by each future January additional requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by a **Federal Register** notice published on August 28, 1979 (44 FR 50371). This was done in recognition of the fact that state regulatory adoption procedures are more lengthy than was first anticipated. Today's action on the ozone portion of the New York plan is contingent on the submittal of the additional RACT regulations which were due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each January, beginning January 1, 1981, RACT requirements for CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in § 52.1673, "Approval status," which is revised at the end of this notice. If the RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will take appropriate remedial action.

It should be noted that the "second round" of RACT regulations, which were due for submittal by July 1, 1980, have not yet been formally submitted by the State. However, EPA has received drafts of proposed regulations for informal review and public hearings have been held by New York. Formal submission is expected early in October. On this basis, no action is being taken by EPA at this time with regard to this requirement.

F. Effective Date

EPA finds that good cause exists for making the action taken in this notice immediately effective for the following reasons:

- The SIP provisions being approved are already in effect under State law and EPA approval imposes no additional regulatory burden, and
- EPA has a responsibility under the Clean Air Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

II. Disposition of Proposed Conditions for Approval

This section is devoted to a discussion of the plan provisions for which conditional approval had been proposed by EPA, an identification of the supplemental material submitted by the State on May 1, 1980 and a discussion of comments submitted, where applicable.

A. Conditions Being Promulgated as Proposed

The following conditions (identified by the numbers used in Section IV, "Unfulfilled Requirements," of EPA's April 29, 1980 proposal) are being promulgated as proposed in Section 52.1674, "Part D—Conditions on Approval." The only comment received with regard to these conditions was dated June 24, 1980 from the New York State Department of Environmental Conservation, which indicated agreement with the substance and time frame for the corrective actions identified: 1. Proposed Condition (3): On or before May 1, 1981 the State shall submit to EPA either acceptable justification for retaining the provisions of 6 NYCRR Part 211, "General Prohibitions," which exempt from control cutback asphalt emissions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency.

2. Proposed Condition (5): On or before July 1, 1980 the State must submit to EPA criteria and conformity of the outputs of the transportation planning process with the SIP.

It should be noted that the State made the required submission on July 2, 1980. This submission has been reviewed by EPA and is the subject of a notice of proposed rulemaking published in the **Federal Register** on September 15, 1980 at 45 FR 60930.

3. Proposed Condition (6): On or before July 1, 1981 the State must submit

to EPA additional emissions inventory data for the baseline year and projected attainment year indicated in the SIP revision document. Such data shall be in a format equivalent to that presented in the EPA document, "Workshop on Requirements for Nonattainment Area Plans," April 1978 and shall be generated, in part, as a result of the emissions inventory improvement programs identified in the plan.

B. Conditions Being Deleted

In its May 1, 1980 submittal of supplemental information, the State provided documentation adequate to meet four of the conditions on the Niagara Frontier SIP proposed by EPA:

1. Proposed Condition (4): On or before August 1, 1980 the State must adopt and submit to EPA a revised 6 NYCRR Part 229, "Gasoline Storage and Transfer," which regulates all petroleum liquid storage in fixed roof tanks.

2. Proposed Condition (7): On or before April 1, 1980 the State must adopt and submit to EPA revisions to §§ 231.6(a) and 231.9(d) of 6 NYCRR part 231, "Major Facilities," to reflect its interpretation that the provisions of Part 231 apply to new major sources and major modifications locating in attainment areas, but significantly impacting the air quality of nonattainment areas.

3. Proposed Condition (8): On or before August 1, 1980 the State must adopt and submit to EPA revisions to § 231.3(b) of 6 NYCRR indicating that, regardless of whether or not a source will have a "significant" impact on the area's air quality, LAER control technology is required on new major sources or existing sources undergoing major modification if such sources are located in an area where standards are actually violated.

4. Proposed Condition (9): On or before August 1, 1980 the State must adopt and submit to EPA a revision to § 200.1(pp) of Part 200, "General Provisions," which defines "owner" in a manner consistent with Section 173 of the Clean Air Act.

In a July 1, 1980 **Federal Register** notice (45 FR 44273) these proposed conditions were found to have been satisfied by the State. The reader is referred to that notice for a detailed description of the State's May 1, 1980 submission and a discussion of the reasons for EPA's findings and action. On the basis that the State's submission has eliminated the deficiencies to which these conditions were addressed, EPA is not promulgating these requirements as conditions for approval of the subject SIP revision for the Niagara Frontier area. For this reason EPA finds that for good cause further notice and comment on this action are unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act).

C. Conditions Being Promulgated With Changes

1. Proposed Condition (1): On or before June 1, 1980 the State must submit to EPA adequate test procedures for determining the compliance of coke making equipment with the sulfur compound mass emission standards contained in Part 214.

Comment: In its June 24, 1980 letter, the State indicated that, due to its administrative procedures necessary to address comprehensively all regulatory revisions required by EPA conditional approval, additional time would be required to carry out the necessary corrective action. The State requested that the deadline for fulfilling this condition be changed to January 1, 1981.

Response: EPA finds the State's request adequately justified and is promulgating the condition with a revised deadline of January 1, 1981. EPA further finds that for good cause additional notice and comment on this action are unnecessary (See 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and, as discussed in this subsection, the State has agreed to undertaking the corrective action necessary. In addition, the public has had an opportunity to comment generally on the concept of conditional approval, on the substance of this specific condition, and on the deadline applicable to this condition; no other comment, other than the State's, was received on this condition.

2. Proposed Condition (2): On or before December 1, 1980 the State must revise § 200.1(j), "By-product coke oven battery," to provide for an acceptable definition of coke oven batteries.

Comment: In its June 27, 1980 letter, Bethlehem Steel Corporation indicates that this condition is unnecessary "in view of specific control requirements for coke oven batteries set forth in Part 214." It is claimed that "EPA is attempting to expand the control requirements of Part 214."

Response: In its April 29, 1980 notice of proposed rulemaking, EPA stated that a clear definition of the affected source, the coke oven battery, is central to the enforceability of the regulation. The fact that specific control requirements are presented in Part 214 bears minimally on the definition of a coke oven battery. A clearer interpretation of the equipment comprising a coke oven battery is necessary for the purpose of evaluating whether the specific control requirements have been applied in a manner consistent with the provisions of Part 214. Therefore, except for a change in the deadline applicable to this condition, as will be discussed, EPA is promulgating this proposed condition unchanged.

Comment: In its June 24, 1980 letter, the State indicated that, due to its administrative procedures necessary to address comprehensively all regulatory revisions required by EPA conditional approval, additional time would be required to carry out the necessary corrective action. The State requested that the deadline for fulfilling this condition be changed to January 1, 1981.

Response: EPA finds the State's request acceptable and is promulgating the condition with a revised deadline of January 1, 1981. EPA further finds that for good cause additional notice and comment on this action are unnecessary (See 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and, as discussed in this subsection, the State has agreed to undertaking the corrective action necessary. In addition, the public has had an opportunity to comment generally on the concept of conditional approval, on the substance of this specific condition, and on the deadline applicable to this condition; no other comments, other than the State's, were received on the deadline applicable to this condition.

III. Other Comments Received and Issues Raised

This section is devoted to a discussion of and response to those comments received by EPA which did not pertain to the specific conditions on approval proposed in the April 29, 1980 notice. These comments were contained in the June 27, 1980 letter from Bethlehem Steel, the July 5, 1979 letter from Covington & Burling on behalf of the Manufacturing Chemists Association, and the August 6, 1979 letter from the Natural Resources Defense Council, Inc.

A. Other Issues Raised by Bethlehem Steel

Comment: The Niagara Frontier is an attainment area for sulfur dioxide, thus not requiring a SIP revision. Therefore, in the context of attainment of the sulfur dioxide standards, EPA's comments and conditional approval are not appropriate. The claim that this area is "attainment" is based on a New York State Department of Environmental Conservation air quality report for 1978.

Response: EPA has reviewed the record it and the State used in developing the attainment status

designations promulgated on March 3, 1978 (43 FR 8962) and later revised on January 25, 1979 (44 FR 5119). This record, based generally on air quality observations for 1977, supports the "nonattainment" designations presently in effect. While it could be argued that New York State might have requested a redesignation based on later air quality observations made during 1978 and 1979, this has not occurred. Further, the diffusion modeling performed by the State and presented in its SIP revision document identifies a number of sulfur dioxide hotspots at which air quality is worse than the annual primary standard. Since the "nonattainment" designation made pursuant to Section 107(d) of the Clean Air Act triggers the requirement for a SIP revision subject to Clean Air Act Part D requirements, EPA must review the State's submission for consistency with such requirements and must publish its approval or disapproval as is being done today.

Comment: EPA does not have authority under the Clean Air Act to approve a SIP revision conditionally. EPA must either approve or disapprove the entire plan on the basis of the criteria in Section 110(a)(3)(A) of the Act.

Response: EPA must reaffirm its policy of exercising conditional approval in cases where minor deficiencies exist in a SIP. The inherent authority of federal agencies to grant conditional approvals is firmly established. In *McManus* v. *Civil Aeronautical Board*, 286 F. 2d 414, 419 (2d Cir.), cert. denied 366 U.S. 929 (1961), the court expressly upheld the power of the Board to conditionally approve certain agreements, saying: "Nor is the Board bound to approve or disapprove agreements in their entirety. . . . The power to condition its approval on the incorporation of certain amendments is necessary for flexible administrative action and is inherent in the power to approve or disapprove." The reader should also take notice of *National Air Carrier Association* v. *Civil Aeronautics Board*, 436 F. 2d 185, 190 (D.C. Cir. 1970), which applied the holding in McManus to "a closely parallel power to grant approval for a limited time." Similarly, in *Friends of the Earth* v. *EPA*, 499 F. 2d 1118, 1124 (2d Cir. 1974), the court upheld EPA's procedure of approving transportation control plans which lacked detailed regulations in cases where EPA had been furnished assurances that the regulations would subsequently be submitted. The Second Circuit found such a procedure, which resembles conditional approval, to be a reasonable method of carrying out a "difficult and complex job." Id.

EPA feels that the concept of conditional approvals is appropriate to the SIPs for the following reason. A fundamental purpose of Part D of the Act was to permit reasonable economic growth in nonattainment areas at the same time that reasonable further progress is being made toward attainment by the required deadlines. Where a state plan substantially satisfies the Part D requirements, but lacks minor portions that themselves do not interfere with attainment of ambient standards, it would be contrary to the intent of Congress to impose the growth moratorium specified in the Act. Thus, conditional approval prevents the unnecessarily harsh application of the moratorium in states which have made good faith efforts and submitted plans which have only minor deficiencies, where the state has committed to fixing the deficiencies within a set time. Therefore, the concept of conditional approval is consistent with the intent of the 1977 Amendments, as well as being within the inherent authority of the Agency.

Further, the sole use of the criteria in Section 110(a)(3)(A) would clearly be inappropriate. Congress has clearly mandated requirements for nonattainment area plans; these are specifically defined in Section 172(b) of the Clean Air Act.

Comment: EPA objections to the "delayed compliance orders" are not relevant insofar as EPA has not formally advised Bethlehem Steel of its findings that these administrative orders do not qualify as "delayed compliance orders." The bases for such findings are not expressed in the April 29, 1980 notice and compliance has been achieved. Further, since these orders have been formally submitted as Part of the SIP revision, EPA's position is inconsistent with its own policy that "EPA will not be bound by any agreement between the source and the State *unless* (emphasis added) the agreement's provisions are incorporated into the SIP through a formal SIP revision process."

Response: EPA has, since 1975, been in continuous contact with responsible staff representing the Bethlehem Steel Corporation with regard to control measures necessary to achieve compliance with 6 NYCRR Part 214, as approved and incorporated into the New York SIP. The Clean Air Act Amendments of 1977 provide for collection of "noncompliance penalties" pursuant to Section 120 and issuance of "delayed compliance orders" pursuant to Section 113. In the course of negotiations since the enactment of the 1977 Amendments, EPA has consistently stated that the control measures being proposed by Bethlehem Steel do not fulfill any of the Section 113 criteria for "delayed compliance orders," including the use of "innovative technology." This is the basis for EPA's findings, which were expressed in its April 29, 1980 notice. As stated in that notice, EPA cannot be bound by State approval of a compliance date extension with regard to the collection of noncompliance penalties.

EPA, while recognizing that the source has taken corrective steps toward achieving compliance, must, as mandated by Section 120, evaluate the "noncompliance penalty" issue in the context of "economic value which a delay in compliance beyond July 1, 1979 may have for the owner of such source . . ." and "amount of expenditure made by the owner or operator of that source . . . for the purpose of bringing that source into, and maintaining compliance. . . ."

With regard to the last issue raised in the comment, EPA does not believe that it is being inconsistent with its own policy. The provisions of the agreement between the State and the source are not being incorporated into the SIP insofar as they are incompatible with the "continuity policy" discussed in the April 29, 1980 notice and the April 4, 1979 "General Preamble for Proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas" (44 FR 20372), and the "noncompliance penalty" requirements discussed above. This issue is further discussed in EPA's notice of proposed rulemaking addressing the particulate matter provisions of the Niagara Frontier SIP (August 15, 1980; 45 FR 54372).

Comment: The Part 214 sulfur emission limit is incorrectly referenced in the April 29, 1980 notice. The regulation, it is claimed, provides a limitation of 0.5 grains of sulfur compounds per dry standard cubic foot of total coke oven gas produced, not 0.05 grains per dry standard cubic foot as stated by EPA. The error arises as a result of a typographical error in the printed version of Part 214.

Response: The commentor is correct. The State, in formally carrying out its administrative procedures for adoption, has corrected the typographical error. EPA, in its review of the SIP revision, premised its findings on the correct standard of 0.5 grains of sulfur compounds per dry standard cubic foot of total coke oven gas produced and is incorporating this standard into the approved SIP.

B. Other General Comments

General comments addressed at national EPA policy and, therefore, applicable to all comprehensive SIP revisions prepared pursuant to Part D of the Clean Air Act were submitted by the Natural Resources Defense Council and the law firm of Covington & Burling on behalf of the Chemical Manufacturers Association. These comments and EPA's response to them are presented in a final rulemaking notice for New York State published on February 5, 1980 at 45 FR 7803.

C. Other Issues

In previous notices of final rulemaking addressing the New York SIP (February 5, 1980, 45 FR 7803; May 21, 1980, 45 FR 33981) EPA promulgated a number of additions to § 52.1670, "Identification of plan," which served to list State submissions being incorporated into the EPA-approved plan. It has become apparent that typographical errors occurred in paragraph (c)(44) of this section. As a result, as part of today's action, EPA is taking steps to correct these errors by repromulgating the entire subject paragraph.

Dated: November 4, 1980.

(Secs. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Note.— Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1980.

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

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670 paragraph (c) is amended by revising subparagraph (c)(44) and by adding a new subparagraph (c)(54) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(44) Supplementary submittals of SIP revision information from the New York State Department of Environmental Conservation, insofar as they deal with all provisions except those for attainment of particulate matter standards in the Niagara Frontier Air Quality Control Region, dated: (i) May 23, 1979, dealing with new source review and growth tracking provisions, adoption of proposed regulations, schedule for hydrocarbon emissions inventory improvements, identification of resources necessary to carry out the SIP, schedule for development of a public participation program, schedule for development of transportation planning process improvements, the need for an 18-month extension for the City of Syracuse and Village of Solvay, demonstration of control strategy adequacy for the area addressed by the Capital District and Town of Catskill plan revision document, compliance schedules for two facilities in the Hudson Valley Air Quality Control Region, and development of a local government consultation program in Jamestown, New York.

(ii) May 31, 1979, dealing with adoption of proposed regulations, hydrocarbon emission inventory improvements, schedule for development of transportation planning process improvements, and compliance schedules for two facilities in the Hudson Valley Air Quality Control Region.

(iii) June 12, 1979, providing a final draft of the proposed regulations, information on the compliance schedule for a facility in the Hudson Valley Air Quality Control Region, and general information on development of compliance schedules. The proposed regulations to be incorporated in Title 6 of the New York Code of Rules and Regulations are as follows:

(A) Part 200, General Provisions (revision);

(B) Part 211, General Prohibitions (revision);

(C) Part 212, Process and Exhaust and/or Ventilation Systems (revision);

(D) Part 223, Petroleum Refineries (revision);

(E) Part 226, Solvent Metal Cleaning Processes (new);

(F) Part 228, Surface Coating Processes (new);

(G) Part 229, Gasoline Storage and Transfer (new); and

(H) Part 231, Major Facilities.

(iv) June 18, 1979, dealing with new source review provisions, general information on development of compliance schedules, and adoption of proposed regulations.

(v) August 10, 1979, providing a comprehensive set of adopted regulations. Action is only taken on adopted regulatory revisions previously submitted on June 12, 1979—Parts 200, 211, 223, 226, 228, 229, and 231.

(vi) September 26, 1979, providing additional information regarding the EPA notice of proposed rulemaking (44 FR 44556, July 30, 1979) which deals with the adoption of regulations for control of volatile organic compound sources for source categories addressed by Control Technology Guideline documents issued subsequent to December 1977, regulatory revisions to 6 NYCRR Parts 211 and 229, the transportation planning process, emissions inventory improvements, new source review procedures, public participation and local government consultation programs, and adoption of regulations.

(vii) October 1, 1979, dealing with new source review procedures.

(viii) November 13, 1979, providing a "declaratory ruling" regarding interpretation of the provisions of 6 NYCRR Part 231 in implementing the new source review program.

(ix) November 14, 1979, providing supplemental documentation on the administrative process of revising regulations.

(x) February 20, 1980, dealing with public hearings to revise Parts 229 and 231 of 6 NYCRR consistent with corrective action indicated by EPA.

* * * * *

(54) A document entitled, "New York State Air Quality Implementation Plan—Niagara Frontier, Erie and Niagara Counties," submitted on May 31, 1979 by the New York State Department of Environmental Conservation. The administrative orders for Bethlehem Steel Corporation, referenced by this document, are not being incorporated as part of the plan.

2. Section 52.1673 is revised to read as follows:

§ 52.1673 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New York's plan for the attainment and maintenance of the national standards under Section 110(a)(2) of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I of the Clean Air Act, as amended in 1977, except as noted below in § 52.1674 and for the mass transportation improvement provisions of the plan for the New Jersey-New York-Connecticut Air Quality Control Region and the provisions of the plan for the Niagara Frontier Air Quality Control Region addressing attainment of particulate matter standards. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP

depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

3. Section 52.1674 is amended by revising the introductory paragraphs in paragraphs (a), (b), and (c) and adding a new paragraph (g) as follows:

§ 52.1674 Part D—Conditions on approval.

The following actions must be carried out by the State for correction of unfulfilled requirements of Part D of the Clean Air Act:

(a) The following conditions shall be applicable to the New York State plan with regard to its provisions for attainment of the ozone standard in those areas of the Central, Genesee Finger Lakes, Hudson Valley, Niagara Frontier and New Jersey-New York-Connecticut Air Quality Control Regions designated as nonattainment for this pollutant in § 81.333 of this chapter, when last revised.

* * * * *

(b) The following condition shall be applicable to the New York State plan with regard to its provisions for attainment of the ozone and carbon monoxide standards in those areas of the Central, Genesee Finger Lakes, Niagara Frontier and Hudson Valley Air Quality Control Regions designated as nonattainment for each of these pollutants in § 81.333 of this chapter, when last revised.

* * * * *

(c) The following condition shall be applicable to the New York State plan with regard to its provisions for attainment of the ozone and particulate matter standards in those areas of the Central and Hudson Valley Air Quality Control Regions, the ozone and sulfur dioxide standards in those areas of the Niagara Frontier Air Quality Control Region, the particulate matter standard in those areas of the Southern Tier West Air Quality Control Region, and the ozone standard in those areas of the Genesee Finger Lakes Air Quality Control Region designated as nonattainment for each of these pollutants in § 81.333 of this chapter, when last revised.

* * * * *

(g) The following conditions shall be applicable to the New York State plan with regard to its provisions for attainment of the sulfur dioxide standards in those areas of the Niagara Frontier Air Quality Control Region designated as nonattainment for this pollutant in § 81.333 of this chapter, when last revised.

(1) On or before January 1, 1981 the State must submit to EPA adequate test procedures for determining the compliance of coke making equipment with the sulfur compound mass emission standard contained in Part 214.

(2) On or before January 1, 1981 the State must revise § 200.1(j), "Byproduct coke oven battery," to provide for an acceptable definition of coke oven batteries.

4. Section 52.1682 is amended by deleting the entry in the table identified as "Niagara Frontier Intrastate" and inserting, in its place, new entries as follows:

§ 52.1682 Attainment dates for national standards.

* * * * * * *

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
* * * * * * *							
Niagara Frontier Intrastate:							
City of Buffalo (portion)	e	e	b	a	a	b	b
City of Lackawanna (portion)	e	e	b	a	a	a	b
City of Cheektowaga (portion)	e	e	a	a	a	b	b
Town of Amherst (portion)	a	a	a	a	a	b	b
Remainder of AQCR	e	e	a	a	a	a	b
* * * * * * *							

[FR Doc. 80-34984 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL 1662-3]

Approval of Revision of the State of West Virginia Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On November 9, 1978, (43 FR 52239) the Administrator approved as a revision to the West Virginia State Implementation Plan (SIP), amendments to the State's Regulation X dealing with sulfur dioxide (SO_2) emissions from electric power generating plants. In response to petitions for review in the United States Court of Appeals for the Third Circuit, EPA reconsidered the air quality impacts of the revised emission limitations for two of the power stations affected by the revisions. On November 7, 1979, (44 FR 64439) on the basis of its reconsideration, EPA proposed to approve again the emission limitations for the two power plants. EPA today takes final action to approve again the emission limitations for the two power plants as adequate to ensure attainment and maintenance of the primary national ambient air quality standard for SO_2. EPA has determined, however, that these limitations are not adequate to ensure attainment and maintenance of the secondary national ambient air quality standard for SO_2. In a separate notice published elsewhere in today's **Federal Register**, EPA is informing the State of this plan deficiency and requiring the State within nine months to submit a control strategy that demonstrates attainment and maintenance of the secondary SO_2 standard.

EFFECTIVE DATE: December 10, 1980.

ADDRESSES: Copies of the SIP revision and supporting material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

ATTN: Patricia Sheridan, Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. William Belanger, Air Programs Branch (3AH13), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets,

Philadelphia, PA 19106, telephone (215) 597–8188.

SUPPLEMENTARY INFORMATION:

I. Background

West Virginia amended its Air Pollution Control Commission Regulation X, sulfur dioxide (SO_2) emission controls for power plants, and submitted the amended regulation to EPA in January 1978; further amendments were submitted during the course of the year. EPA approved most of the changes. 43 FR 52239 (November 9, 1978). In January 1979, the Commonwealth of Pennsylvania and six citizens' organizations petitioned the United States Court of Appeals for the Third Circuit to review EPA's approval so far as it applied to the Mitchell and Harrison power stations. In response to these petitions, EPA reviewed the record of its action and at EPA's request the Court remanded two issues to EPA for reconsideration: dispersion modelling of the air quality impact of emissions from the two power stations, and an analysis of the impact of the Harrison station emissions on maximum allowable increases ("increments") under EPA's regulations for the prevention of significant degradation of air quality ("PSD"). The Court allowed the revisions to remain in effect while EPA reviewed these two issues.

The SO_2 emission limit for the Harrison station was an interim limit effective until November 8, 1979, or until EPA promulgated final regulations concerning credit for tall smokestacks, whichever occurred first. 42 U.S.C. 7423. As EPA has not promulgated such regulations, the interim Harrison limitation would have expired during the remand period; EPA therefore extended Harrison's interim emission limit until such time as EPA adopts a permanent limit. 45 FR 39253 (June 10, 1980).

On November 7, 1979, EPA proposed to reapprove the Regulation X amendments remanded to it for reconsideration. On the basis of its review and consideration of comments submitted to it, EPA today takes final action to approve those amendments as a revision of West Virginia's SIP for attainment and maintenance of the primary national ambient air quality standards ("NAAQS") for SO_2.

EPA's review found, however, that West Virginia's control strategy does not demonstrate attainment and maintenance of the secondary SO_2 standard. Dispersion modelling using the CRSTER model with the most recent five years of meteorological data predicted a violation of the three-hour secondary SO_2 standard under meteorological conditions which occurred in one of those years. As a result, the State's control strategy is not adequate to ensure attainment of the secondary SO_2 standard. In a separate notice in today's **Federal Register**, EPA is informing the State of this deficiency. EPA is also calling on the State to submit within nine months either a revision of its control strategy or a demonstration that the current control strategy is adequate to protect the secondary SO_2 standard. If the State determines that additional emission limitations are needed to protect the secondary SO_2 NAAQS, the State must also prescribe a schedule for compliance with the new limits within a reasonable time.

Section 110(a)(2)(A) of the Clean Air Act and EPA regulations require that a compliance schedule provide for attainment of the secondary standard within a reasonable period of time. EPA regulations provide that a state may consider social, economic and technological factors in determining a reasonable schedule for attainment of secondary standards. 40 CFR 51.13(b) (1979).

EPA is aware that the State and the representatives of the utility owners, coal companies and coal miners have alleged that severe social and economic disruption will occur if the power stations are required to reduce their emissions below the levels approved today as adequate for primary standard attainment. The Agency recognizes that some methods of attaining the secondary SO_2 standard, such as switches to low sulfur coal, could result in localized job losses in the coal mining industry and related businesses. If the State determines that additional emission limitations are necessary to demonstate attainment of the secondary SO_2 standard, EPA encourages the State to take into account potential adverse employment effects when establishing a compliance schedule to carry out any necessary secondary SO_2 standard control strategy, and to consider control strategies and compliance schedules that will avoid or minimize social and economic disruption. If desired by the State, EPA personnel will work with the State to develop approaches that ensure secondary SO_2 standard attainment within a reasonable time while minimizing any adverse employment impacts.

II. Control Strategy Demonstration

In its November 7, 1979, notice proposing approval of this revision, EPA noted that its original action and proposed reapproval were based on its conclusion that the one modelled violation of the secondary SO_2 standard was so unlikely to occur that the violation should not be used as a basis for establishing emission limitations for the power plants. EPA's evaluation of the probability of the violation was based on a statistical analysis that related worst-case meteorology to sulfur variability in coal and calculated the likelihood that worst-case meteorology would coincide with worst-case sulfur content.

EPA has since concluded that the use of such statistical techniques should be evaluated for general Agency use and subject to public comment before being used by the Agency to analyze SIP revisions. Since the Agency has not yet completed review of statistical methodologies for general use, it has determined that it would be inappropriate to approve the instant revision based on a statistical analysis. Under the Agency's current policy and modelling guidelines, the State's control strategy does not demonstrate attainment and maintenance of the secondary SO_2 standard.

III. PSD Analysis

The Harrison plant emission limit was amended after June 19, 1978, the date on which EPA's PSD regulations applied in some respects to SIP revisions. EPA therefore agreed to model the plant's impact on affected clean air areas. The analysis showed that the plant's emissions would not cause degradation of air quality in excess of the PSD increments applicable in nearby Class II areas or in more distant Class I areas.

IV. Public Comments

Parties to the lawsuit concerning these emissions limits submitted extensive technical comments on EPA's proposed approval. These comments and EPA's responses are set forth in a rationale document which is available to interested members of the public at the addresses given at the beginning of this Notice.

V. EPA Evaluation

West Virginia's proposed SIP revision will attain and maintain the primary SO_2 NAAQS and to this extent meets the requirements of Section 110(a) of the Clean Air Act and 40 CFR Part 51.

VI. Final Action

The Administrator approves the above-described amendments of West Virginia's Air Pollution control Commission Regulation X as a revision to the State's Implementation Plan to attain and maintain the primary national ambient air quality standard for sulfur dioxide.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged in civil or criminal proceedings to enforce these requirements.

The Adminstrator has reviewed this regulation and determined that it is a specialized regulation not subject to procedural requirements for significant regulations under Executive Order 12044.

(42 U.S.C. 7401–642)

Dated: October 31, 1980.

Douglas M. Costle,

Administrator.

Note:— Incorporation by reference of the West Virginia State Implementation was approved by the Director of the Federal Register on July 1, 1980.

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

Subpart XX–West Virginia

1. Section 52.2520, paragraph (c)(3), is added as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(3) Amended Sections 3.01(2) and 3.03(1) of Regulation X (to prevent and control air pollution from the emission of sulfur oxides), submitted on January 25, 1978 and amended September 13, 1978 by the Governor.

2. Section 52.2522, paragraph (e), is added as follows:

§ 52.2522 Approval status.

* * * * *

(e) The Administrator approves the amended Sections 3.01(2) and 3.03(1) of West Virginia Air Pollution Control Commission Regulation X submitted January 25, 1978 and amended September 13, 1978, as a plan for attainment of the primary SO_2 NAAQS. The Administrator does not approve the State's control strategy for attainment and maintenance of the secondary SO_2 NAAQS submitted on those dates, so far as it applies to the Mitchell and Harrison power stations.

[FR Doc. 80-35060 Filed 11-7-80 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-9-FRL 1663-3]

Imperial County Nonattainment Area Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: On April 1, 1980 (45 FR 21297), the Environmental Protection Agency (EPA) published a notice of proposed rulemaking for the Imperial County Nonattainment Area Plan (NAP) submitted on October 11 and 15, 1979. The April 1, 1980 notice proposed to disapprove the NAP because the lack of New Source Review (NSR) rules constituted a major deficiency with respect to Part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas." On March 17, 1980, the State submitted NSR rules for Imperial County. As a result, the NAP contains only minor deficiencies with respect to Part D. Further, the State has initiated the process to submit the material to correct the minor deficiencies. Therefore, EPA takes final action to conditionally approve the Imperial County NAP as a revision to the California State Implementation Plan (SIP). This action removes the prohibition on construction of certain major new or modified sources in Imperial County.

This notice also provides a brief summary of the proposed rulemaking notice, describes recent revisions which supplement the NAP, discusses public comments, specifies deadlines by which the State is required to submit the material to correct the minor deficiencies, and describes EPA's final action on the Imperial County NAP.

DATES: This action is effective November 10, 1980.

ADDRESS: A copy of the revision is located at: The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano (415) 556–2938.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act, as amended in 1977, requires states to revise their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). On October 11 and 15, 1979, the Executive Officer of the California Air Resources Board (ARB), the Governor's official designee, submitted revisions to the California SIP consisting of a control strategy and regulations for Imperial County. These revisions, submitted as the Imperial County NAP, are intended to provide for the attainment of the ozone NAAQS in Imperial County.

On April 1, 1980 (45 FR 21297), EPA published a notice of proposed rulemaking for the Imperial County NAP. That notice provided a description of the NAP, summarized the applicable Clean Air Act requirements into 14 criteria, compared the NAP to those criteria, and, as described below, proposed to approve, conditionally approve or disapprove portions of the NAP. The April 1, 1980 notice should be used as a reference in reviewing today's action.

EPA proposed to approve the following portions of the NAP: emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, emissions growth, annual reporting, resources, public and governmental involvement, and public hearing. These portions of the NAP were found to be consistent with the requirements of Part D of the Clean Air Act.

EPA proposed to conditionally approve the legally adopted measures portion of the NAP because the lack of a cutback asphalt rule constituted a minor deficiency with respect to Part D.

EPA proposed to disapprove the permit program portion of the NAP because the lack of an NSR rule constituted a major deficiency with respect to Part D.

As noted in the April 1, 1980 notice, approval or conditional approval of all portions of the NAP is sufficient to lift the current prohibition on construction of certain major new or modified sources in Imperial County. As a result of the lack of an NSR rule, the April 1, 1980 notice proposed to disapprove the overall Imperial County NAP and continue the construction prohibition.

Supplemental Revisions

Subsequent to EPA's review, which appears in the April 1, 1980 notice, the State submitted revisions which supplement portions of the NAP. These revisions are discussed below.

New Source Review

As discussed in the April 1, 1980 notice, a legally enforceable NSR rule was not included in the NAP and this constituted a major deficiency. However, the State did submit a draft NSR rule. EPA reviewed the draft NSR rule (See EPA's Evaluation Report) and

concluded that it contained only minor deficiencies with respect to the Part D requirements. Thus, EPA proposed that the permit program portion of the NAP could be conditionally approved if the State submitted an adopted NSR rule similar and equivalent to the draft NSR rule.

On March 17, 1980, the Governor's official designee submitted the following NSR rules for the Imperial County Air Pollution Control District (APCD):

Rule 207—Standards for Permits to Construct [Subparagraph C.4. of this rule, which addresses significant deterioration requirements, is not reviewed here, but will be discussed in a future **Federal Register** notice.]
Rule 208—Standards for Permits to Operate
Rule 209—Implementation Plans

Section 173 of the Act contains the requirements for approval of a permit program. EPA has established guidance based on Section 173 in: (1) EPA's Emission Offset Interpretative Ruling (January 16, 1979, 44 FR 3274) and (2) EPA's proposed amendments to regulations for NSR and the Emission Offset Interpretative Ruling (September 5, 1979, 44 FR 51924).

EPA has reviewed the Imperial County APCD's NSR rules with respect to the draft NSR rule and to the guidance based on Section 173 and EPA policy regarding rural ozone areas. The Imperial County APCD's NSR rules differ from both the draft NSR rule and the Section 173 guidance. The only major difference is that subparagraph C.5. of Rule 207 exempts certain categories of sources from the "lowest achievable emission rate" (LAER) requirements. These exemptions are not authorized by the Clean Air Act. An NSR permit program cannot be approved or conditionally approved with these exemptions. The Imperial County APCD's NSR rules contain additional minor deficiencies with respect to the Section 173 guidance, including a definition of "stationary source" less stringent than is required and the failure to regulate secondary emissions. These and other minor deficiencies are described in EPA's Evaluation Report Addendum which is available at the Region IX office, the ARB, the Imperial County APCD, and the EPA Library in Washington, D.C. Thus, with the exception of the LAER exemptions, the Imperial County APCD's NSR rules are similar and equivalent to the draft NSR rule and contain only minor deficiencies with respect to Section 173.

It should be noted that EPA is approving certain offset provisions in the Imperial County APCD's NSR rules which would be disapproved in an urban area. (See Evaluation Report Addendum). These provisions are being approved because EPA's rural ozone policy does not require emission offsets for rural areas. Further, although the rules allow interpollutant offsets, sources may not avoid the requirements of NSR or prevention of significant deterioration (PSD) by the use of interpollutant offsets.

It should also be noted that EPA recently published two final rulemaking notices on the September 5, 1979 proposed amendments to regulations for NSR and the Emission Offset Interpretative Ruling. These notices, published on May 13, 1980 (45 FR 31307) and August 7, 1980 (45 FR 52676), amend EPA's Interpretative Ruling and set out EPA requirements for NSR under Section 173. The State is required to comply with the August 7, 1980 requirements by May 7, 1981. In revising the Imperial County APCD's NSR rules the State/APCD must address (1) any new requirements in EPA's amended regulations for NSR under Section 173 of the Clean Air Act (August 7, 1980, 45 FR 52676) which the APCD rules do not now satisfy and (2) those deficiencies cited in EPA's Evaluation Report Addendum (contained in Document File NAP–CA–06 at the EPA Library in Washington, D.C. and the Region IX office).

Public Comments

Comments Specific to the Imperial County NAP

During the public comment period, EPA received several comments. These comments and EPA's responses follow.

Comment: The Imperial County APCD commented that it intends to limit cutback asphalt emissions to a level below 100 tons/year without adopting a rule for cutback asphalt sources. The Imperial County APCD believes this strategy would satisfy EPA's proposed condition of approval regarding the lack of a cutback asphalt rule. The Imperial County APCD also commented that it should not be required to adopt a cutback asphalt rule for sources which emit less than 100 tons/year since such a rule would control only 2 percent of the volatile organic compound (VOC) emissions in the County.

Response: EPA has determined that the Imperial County APCD's strategy of limiting cutback asphalt emissions is not enforceable and thus not acceptable. EPA requires that a legally enforceable cutback asphalt rule be adopted, which reflects reasonably available control technology (RACT), if cutback asphalt emissions are more than 100 tons/year for the County.

Comment: After the above comment and during the public comment period, the Imperial County APCD committed to adopting a cutback asphalt rule which meets EPA's requirements. The Imperial County APCD, however, requested an extension for satisfying this condition of approval.

Response: Before a NAP can be conditionally approved, EPA must receive assurance from the State that the deficiencies will be remedied. Senate Bill 647, enacted on September 23, 1979 by the State Legislature, prevents ARB from amending cutback asphalt rules which an APCD has adopted. Because of this legislation, a commitment for adopting a rule to satisfy this condition of approval must come from the Imperial County APCD. EPA feels that the commitment made by the Imperial County APCD provides sufficient assurance for EPA to proceed to conditional approval. In response to the Imperial County APCD's request, EPA has revised the deadline for satisfying the condition of approval to January 1, 1981.

Comment: Two comments were received concerning EPA's proposed disapproval of the NAP due to the lack of an NSR rule. The commenters stated that the Imperial County APCD's NSR rules were submitted to EPA on March 17, 1980.

Response: A discussion of EPA's review of the NSR rules, which were submitted on March 17, 1980, is provided in the SUPPLEMENTAL REVISIONS section of this notice.

Comment: The ARB commented that they are committed to satisfying the condition of approval regarding the Imperial County APCD's NSR rules. The ARB, however, recommended that the date for satisying the condition of approval be amended to be consistent with the time frame specified in EPA's final NSR regulations.

Response: EPA feels that this commitment provides sufficient assurance to proceed to conditional approval. Further, in response to ARB's request, EPA has revised the deadline for satisfying the condition of approval to May 7, 1981.

Comment: The ARB stated that EPA did not consider the State's finding that a Stage I Gasoline Vapor Recovery rule is a reasonably available control measure (RACM) for Imperial County.

Response: The commitment made by the ARB (ARB Resolution 79–9) to adopt a Stage I Gasoline Vapor Recovery rule for Imperial County is incorporated into the SIP in today's notice.

National Comments

Comment and Response: One commenter submitted extensive comments which it requested to be considered part of the record for each state plan. Each of the points raised by the commenter and EPA's response follow. Although some of the issues raised are not relevant to the provisions in the Imperial County NAP, EPA is notifying the public of its response to these comments at this time.

1. The commenter asked that comments previously submitted on the Emission Offset Interpretative Ruling, as revised on January 16, 1979 (44 FR 3274), be incorporated by reference as part of the comments on each state NAP. EPA responded to those comments in its final rulemaking on amendments to the Emission Offset Interpretative Ruling (May 13, 1980, 45 FR 3274 and August 7, 1980, 45 52676).

2. The commenter objected to general policy guidance issued by EPA on the grounds that EPA's guidance is more stringent than that required by the Act. Such general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove an SIP revision since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2) of the Act. However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commenter noted that the recent Court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality affects EPA's NSR requirements for Part D NAPs as well. The decision is *Alabama Power Company* v. *Costle*, 13 ERC 1225 (D.C. Cir., June 18, 1979). In the commenter's view, the Court's rulings on the definition of "source," "modification" and "potential to emit" should apply to Part D NAPs as well as PSD programs. In addition, the commenter believes that the Court's decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emissions Offset Interpretative Ruling, as revised on January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modification" and "potential to emit," and the areas in which NSR applies, govern state NAPs under Part D (44 FR 3275 Col. 3 through 3276 Col. 1, January 16, 1979). In proposed rules published on September 5, 1979 (44 FR 51924) and final rules published on May 13, 1980 (45 FR 3274) and August 7, 1980 (45 FR 52676), EPA explained its views on how the *Alabama Power* decision effects NSR requirements for state Part D NAPs.

4. The commenter questioned EPA's alternative emission reduction options policy (the "Bubble Policy"). As the commenter noted, EPA has set forth its proposed "Bubble Policy" in a separate proposal (44 FR 3720, January 18, 1979). EPA responded to the comments on the "Bubble" approach in the final "Bubble Policy" statement published on December 11, 1979 (44 FR 71780).

5. The commenter questioned EPA's requirement for a demonstration that the application of all RACM would not result in attainment any faster than the application of less than RACM. In EPA's review, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACM results in attainment more expeditiously than application of less than RACM, the statutory deadline is the earlier date. While there is no requirement to apply more than RACM than is necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible. Consequently, the state must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress.

The commenter also suggested that all RACM may not be "practicable." By definition, RACM are only those measures which are reasonable. If a measure is not practicable, it would not constitute a RACM.

6. The commenter found the discussion in the General Preamble on RACT for VOC sources covered by the Control Techniques Guidelines (CTGs) to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs. The CTGs provide recommendations to the states for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs in NAP development (44 FR 53671, September 17, 1979).

7. The commenter suggested that the revision of the ozone standard justified an extension of the schedule for the submittal of Part D NAPs. EPA disagrees and this issue has been addressed in the General Preamble (44 FR 20377, April 4, 1979).

8. The commenter questioned EPA's authority to require states to consider transfers of technology from one source type to another as part of the LAER determinations. EPA responded to this comment in the May 13, 1980 (45 FR 3274) and August 7, 1980 (45 FR 52676) **Federal Register.**

9. The commenter suggested that if a state fails to submit a Part D NAP, or the submitted NAP is disapproved, EPA must promulgate a NAP under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commenter's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a Federal promulgation. EPA has promulgated regulations which impose restrictions on construction in any nonattainment area for which a state fails to submit an approvable Part D NAP (44 FR 35853, July 2, 1979). Section 110(a)(2)(I) of the Act does not require a complete Federally promulgated SIP before the restrictions may go into effect.

Comment: Another commenter, a national environmental group, stated that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Act), and proper composition of state boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commenters argued that EPA must secure a state commitment to satisfy the permit fee and state board requirements before conditionally approving a NAP under Part D. In those states that fail to correct their omission within a required time, the commenters urged that restrictions on construction under Section 110(a)(2)(I) of the Act must apply.

Response: To be fully approved under Section 110(a)(2) of the Act, a state plan must satisfy the requirements for state boards and permit fees for all areas, including nonattainment areas. Several states have adopted provisions satisfying these requirements, and EPA is working with other states to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the state board provisions in Part D. While legislative history states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

EPA Actions

EPA's final actions on the Imperial County NAP are described below and are based on the proposed rulemaking notice, supplemental revisions submitted by the State, and public comments received by EPA.

Approved Portions of the NAP

As proposed in the April 1, 1980 notice, EPA is taking final action under Part D to approve the following portions of the NAP: emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, emissions growth, annual reporting, resources, public and governmental involvement, and public hearing. No supplemental revisions or public comments were received addressing these portions of the NAP.

Also as proposed, EPA is taking final action under Section 110 and Part D to approve all the VOC rules listed in the April 1, 1980 notice. No supplemental revisions or public comments were received addressing these rules.

Conditionally Approved Portions of the NAP

Although the State did not officially submit NSR rules with the NAP in October 1979, the State did submit their draft NSR rule and requested EPA to review this rule. As described in the April 1, 1980 notice, EPA reviewed the draft NSR rule, determined that it contained only minor deficiencies with respect to Section 173, stated that the NAP could be conditionally approved upon submittal of an NSR rule similar and equivalent to the draft NSR rule, and provided an opportunity for public comment on these actions.

As stated in the Supplemental Revisions section, EPA has found that the Imperial County APCD's NSR rules submitted on March 17, 1980 are similar and equivalent to the State's draft NSR rule and contain only minor deficiencies with respect to Section 173, with the exception of the LAER exemptions in subparagraph C.5. of Rule 207. Further, EPA found that a NAP containing these exemptions cannot be approved or conditionally approved. Therefore, EPA disapproves this subparagraph. As a result, the Imperial County APCD's NSR rules are conditionally approvable with respect to Section 173. Further, the conditionally approvable rules are similar and equivalent to the draft NSR rule which was subject to public comment. Therefore, EPA takes final action to conditionally approve the Imperial County APCD's NSR rules (permit program portion of the NAP) with the exception of subparagraph C.5. of Rule 207 which is disapproved.

As discussed in the April 1, 1980 notice and as discussed in the Public Comments section of this notice, the legally adopted measures portion of the NAP contains a minor deficiency due to the lack of a cutback asphalt rule. Therefore, EPA takes final action to conditionally approve the legally adopted measures portion of the NAP.

The conditions of approval and the associated deadlines are specified below:

1. By May 7, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy Section 173 and 40 CFR 51.18, "Review of new sources and modifications." In revising the Imperial County APCD's NSR rules, the State/APCD must address (1) any new requirements in EPA's amended regulations for NSR under Section 173 of the Clean Air Act (August 7, 1980, 45 FR 52676) which the APCD rules do not now satisfy and (2) those deficiencies cited in EPA's Evaluation Report Addendum (contained in Document File NAP–CA–06 at the EPA Library in Washington, D.C. and the Region IX office).

2. By October 1, 1980, a cutback asphalt rule which reflects RACT must be submitted as an SIP revision.

Final Action on the NAP

Since the major deficiency noted in the April 1, 1980 notice has been corrected and only minor deficiencies remain, EPA is taking final action by this notice to conditionally approve the overall Imperial County NAP with respect to Part D. As a result, the current prohibition on construction of certain major new or modified sources in Imperial County is no longer in effect.

In those areas for which the State of California has submitted approvable or conditionally approvable NAPs in accordance with the requirements of Part D of the Clean Air Act, EPA has a responsibility to take final action as soon as possible in order to lift the construction prohibition. Since the State has submitted a conditionally approvable NAP for Imperial County, EPA finds that good cause exists for making this action immediately effective.

Under Section 307(b)(1) of the Clean Air Act, judicial review of today's action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Conditional Approval Procedure

A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble (44 FR 38583, July 2, 1979 and 44 FR 67192, November 23, 1979). Conditional approval requires the State to submit additional material by the deadlines specified in today's notice. There will be no extensions granted to the conditional approval deadlines being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submittal.

2. EPA will evaluate the State's submittal to determine if the conditions are fully met. After EPA's review is completed, a **Federal Register**, notice will be published proposing or taking final action to either (1) find the conditions have been met and approve the NAP or (2) find the conditions have not been met, withdraw the conditional approval, and disapprove the NAP. If the NAP is disapproved, the Section 110(a)(2)(I) restrictions on construction would be reimposed.

3. If the State fails to submit the required materials to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the deadline. The notice will announce that the conditional approval is withdrawn, the NAP is disapproved, and the Section 110(a)(2)(I) restrictions on construction are in effect.

Certain deadlines for satisfying conditions have been changed from those proposed and are being promulgated today without further notice and comment. EPA finds that for good cause additional notice and comment on these deadlines are unnecessary (See 5 U.S.C. Section 553(b)(B), Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has agreed to the deadlines. In addition the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions (44 FR 38583, July 2, 1979 and 45 FR 21297, April 1, 1980).

40 CFR Part 52 Rescissions

EPA is taking final action to rescind certain Federally promulgated

regulations from 40 CFR Part 52 as proposed. No supplemental revisions or public comments addressed EPA's proposed rescissions.

VOC RACT Requirements

The April 4, 1979 General Preamble (44 FR 20376) requires states to submit VOC RACT regulations for certain sources located in ozone nonattainment areas. The first set of RACT regulations were required for sources covered by the Group I CTG documents published before January 1978. Regulations for sources covered by the Group I CTG documents were to have been submitted by January 1, 1979. A second set of RACT regulations are required for sources covered by the Group II CTG documents, published between January 1978 and January 1979. Regulations for sources covered by the Group II CTG documents were to have been submitted by July 1, 1980 (44 FR 50371, August 28, 1979). Continued satisfaction of the Part D requirements for the ozone portion of the Imperial County NAP is contingent on the submittal of the Group II RACT regulations. Further, these requirements have been set forth in 40 CFR 52.223.

Attainment Dates

The 1979 edition of 40 CFR Part 52 lists, in the Subpart for California, the applicable deadlines for attaining the NAAQS [attainment dates] required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a NAP provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on California's attainment date chart in 40 CFR Part 52. The earlier attainment dates will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as the new Section 172 requirements. Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements, and to permit previously uncontrolled sources to comply with the newly applicable emission limitations. These new deadlines were not included to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As noted by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable," but not later than three years after approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear Congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the National Ambient Air Quality Standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond the attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions, even though a NAP with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment (44 FR 20373–74, April 4, 1979).

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a NAP imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Note.—EPA has determined that this action is "specialized," and therefore not subject to the procedural requirements of Executive Order 12044.

(Sec. 110, 129, 171–178, and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7410, 7429, 7501–7508, and 7601(a)])

Dated: November 4, 1980.

Douglas M. Costle,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1980.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(52)(ii), (c)(55), and (c)(56), as follows:

§ 52.220 Identification of plan.

* * * * *

(52) * * *

(ii) Imperial County APCD.

(A) Rules 415.1 and 424.

* * * * *

(55) The following material for Imperial County was submitted on October 11, 1979 by the Governor's designee.

(i) Summary of Plan Compliance with Clean Air Act Requirements.

(ii) Imperial County plan to attain National Ambient Air Quality Standards for oxidants, October 31, 1978.

(iii) SIP Revision—Imperial County ARB Staff Report, No. 79–4–2.

(iv) ARB resolution 79–9, February 21, 1979.

(v) Copies of Board hearing testimony.

* * * * *

(56) Revised regulations for the following APCDs submitted on March 17, 1980, by the Governor's designee.

(i) Imperial County APCD.

(A) Rules 207 [except Subparagraph C.4.], 208, and 209.

* * * * *

2. Section 52.222, paragraph (b) is revised to read as follows:

§ 52.222 Extensions.

* * * * *

(b) The Administrator hereby extends to December 31, 1982 certain attainment dates for the national standards for carbon monoxide (CO), ozone (O_3), total suspended particulates (TSP), nitrogen dioxide (NO_2), and/or sulfur dioxide (SO_2) in the following nonattainment areas:

(1) Imperial County for O_3.

* * * * *

3. Section 52.223 is revised to read as follows:

§ 52.223 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves California's plan for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act.

(b) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in 1977, for the nonattainment areas listed in this paragraph. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the State Implementation Plan (SIP) depends on the adoption and submittal of reasonably available control technology (RACT) requirements by July 1, 1980 for sources covered by Control Technique Guidelines (CTGs) issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(1) Imperial County for O_3.

* * * * *

4. Subpart F of Part 52 is amended by adding § 52.232, reading as follows:

§ 52.232 Part D conditional approval.

(a) The following portions of the California SIP contain deficiencies with respect to Part D of the Clean Air Act which must be corrected within the time limit indicated.

(1) The Imperial County portion of the California SIP is approved as satisfying Part D requirements for O_3 provided the following conditions are met.

(i) By May 7, 1981, the NSR rules must be revised and submitted as an SIP revision. The rules must satisfy Section 173 and 40 CFR 51.18, "Review of new sources and modifications."

In revising the Imperial County APCD's NSR rules, the State/APCD must address (1) any new requirements in EPA's amended regulations for NSR under Section 173 of the Clean Air Act (August 7, 1980, 45 FR 52676) which the APCD rules do not now satisfy and (2) those deficiencies cited in EPA's Evaluation Report Addendum (contained in Document File NAP-CA-06 at the EPA Library in Washington, D.C. and the Region IX office).

(ii) By January 1, 1981, a cutback asphalt rule which reflects reasonably available control technology (RACT) must be submitted as an SIP revision.

* * * * *

5. Section 52.233 is amended by adding paragraph (a), as follows:

§ 52.233 Review of new sources and modifications.

(a) The following regulations are disapproved because they are not consistent with Clean Air Act requirements.

(1) Imperial County APCD.

(i) Subparagraph C.5. of Rule 207, *Standards for Permit to Construct*, submitted March 17, 1980.

* * * * *

6. Section 52.233, subparagraphs (h) and (i) are hereby revoked and reserved.

* * * * *

7. In § 52.238, the column headings are revised, the entries for Southeast Desert Intrastate are revised, a second "Note" is added, and footnote (h) is added to footnotes (a)–(g), as follows:

§ 52.238 Attainment dates for national standards.

* * * * * * *

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_2		NO	CO	O_3
	Primary	Secondary	Primary	Secondary			
* * * * * * *							
Southeast Desert Intrastate:							
a. Imperial County portion	(e)	(e)	(e)	(e)	(e)	(e)	(h)
b. Remainder of AQCR	(a)	(a)	(e)	(e)	(e)	May 31, 1977	May 31, 1977

Note.—Dates or references which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

Note.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52.238 (1979).

* * * * * * *

(h) December 31, 1982.

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[FR Doc. 80-35069 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5770

[A-9224]

Arizona; Public Land Order No. 5756; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order

SUMMARY: This document will correct an error in the land description of Public Land Order No. 5756 of September 22, 1980.

EFFECTIVE DATE: November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The description of land in Public Land Order No. 5756 of September 22, 1980, as published in 45 FR 63850-63851 of the issue of September 26, 1980, is hereby corrected by changing lot 9 to read S½S½NE¼NE¼ in Sec. 19, T. 8 S., R. 18 W. The total acreage remains unchanged.

Guy R. Martin,

Assistant Secretary of the Interior.

November 4, 1980.

[FR Doc. 80-34992 Filed 11-7-80 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 306

Assignment of Benefits; Collection of Medical Support and Payments; Correction

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Correction of final regulations.

SUMMARY: This notice corrects an error in the final regulations published in the **Federal Register** on February 11, 1980 (45 FR 8982) on medical support enforcement. The final regulations contain an incorrect regulatory citation in 45 CFR 306.10(j).

EFFECTIVE DATE: May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Michael P. Fitzgerald (301) 443-5350.

SUPPLEMENTARY INFORMATION: In the **Federal Register** for Monday, February 11, 1980 make the following correction in FR Doc. 80-4030 appearing at page 8982: On page 8987, in the third column, in § 306.10(j), in the 2nd line, replace the citation "42 CFR 443.154" with the citation "42 CFR 433.154".

Dated: November 4, 1980.

Robert F. Sermier,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 80-35074 Filed 11-7-80; 8:45 am]

BILLING CODE 4110-07-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Twelfth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

In particular, Twelfth Revised Service Order No. 1473, modifies Appendix A of the previous order by granting authority to The La Salle and Bureau County Railroad Company in Item 24., from Chicago (milepost 4.26) and Blue Island, Illinois, (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

EFFECTIVE DATE: 12:01 a.m., November 6, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: November 4, 1980.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Twelfth Revised Service Order No. 1473, modifies Appendix A of the previous order by adding Item 24., granting authority to The La Salle and Bureau County Railroad Company between Chicago (milepost 4.26) and Blue Island, Illinois, (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee).

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

1. The authority contained in Item 5(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 387.8 to 429.3), is conditioned upon the assumption by Burlington Northern, Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) Interim operators authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the RI lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., November 6, 1980.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96–254.

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.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*
   - A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.
2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois
3. *Union Pacific Railroad Company (UP):*
   - A. Beatrice, Nebraska
   - B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska
   - C. Limon, Colorado
4. *Toledo, Peoria and Western Railroad Company (TP&W):*
   - A. Keokuk, Iowa
   - B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois
5. *Burlington Northern, Inc. (BN):*
   - A. Burlington, Iowa (milepost 0 to milepost 2.06)
   - B. Fairfield, Iowa (milepost 275.2 to milepost 274.7)
   - C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).
   - D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9)
   - E. CBQ Junction, Kansas (milepost 325.9) to Seibert, Colorado (milepost 487).
6. *Fort Worth and Denver Railway Company (FW&D):*
   - A. Terminal trackage at Amarillo, Texas, including approximately (3) three miles northerly along the old Liberal Line, and at Bushland, Texas.
   - B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).
   - C. from Amarillo, Texas, to Liberal, Kansas (milepost 153.2), via Etter and Morse Junction, Texas, and between Morse Junction and Pringle, Texas; including the trackage rights of the former RI over The Atchison, Topeka and Santa Fe Railway Company between Amarillo and Etter, Texas.
7. *Chicago and North Western Transportation Company (C&NW):*
   - A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri
   - B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0)
   - C. from Inver Grove (milepost 344.7) to Northwood, Minnesota
   - D. from Clear Lake Junction (milepost 191.1) to Purina, Iowa (milepost 147.0)
   - E. from Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364)
   - F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7)
   - G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)
   - H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9)
   - I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2)
   - J. from Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9)
   - K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7)
   - L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502)
   - M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2)
   - N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids
   - O. from Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6)
   - P. Sibley, Iowa
   - Q. Worthington, Minnesota
   - R. Altoona to Pella, Iowa
   - S. Carlisle, Indianola, Iowa
   - T. Omaha, Nebraska, (between milepost 502 to milepost 504)
   - U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5)
8. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*
   - A. from West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland
   - B. Washington, Iowa
   - C. from Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota
9. *Davenport, Rock Island and North Western Railway Company (DRI):*
   - A. Davenport, Iowa
   - B. Moline, Illinois
   - C. Rock Island, Illinois, including 26th Street yard
   - D. from Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex
   - E. from East Moline to Silvis, Illinois
   - F. from Davenport to Iowa City, Iowa
   - G. from Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal
10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.
11. *St. Louis Southwestern Railway Company (SSW):* operating the Tucumcari Line from Santa Rosa, NM, to St. Louis, MO (via Kansas City, KS/MO), a total distance of 965.2 miles. The line also includes the RI branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles, and North Topeka, KS. Also between Brinkley and Briark, Arkansas, and at Stuttgart, Arkansas.
12. *Little Rock & Western Railway Company:* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).
13. *Missouri Pacific Railroad Company:* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.
14. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*
   - A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth
   - B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas
   - C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma
   - D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas
   - E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only
   - F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.
   - G. Rock Island right to use interchange tracks to interchange with the Great Soutwest Railroad Company located in Grand Prairie, Texas.
   - H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at

milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. The Ponca City Line at approximately milepost 26.1 at Billings, Oklahoma, to North Enid, Oklahoma, at milepost 339.5 on the Southern Division main line, a distance of 26.1 miles.

J. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

K. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

15. *The Denver and Rio Grande Western Railroad Company:*

A. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado, (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

16. *Norfolk and Western Railway Company:* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

17. *St. Louis-San Francisco Railway Co.:*

A. At Okeene, Oklahoma.

B. At Lawton, Oklahoma.

18. *Southern Railway Company:*

A. At Memphis, Tennessee.

19. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

20. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

21. *Louisiana Midland Railway Company:*

A. From Hodge, Louisiana (milepost 173.3) to Alexandria, Louisiana (milepost 247.8), which includes assumption of RI's trackage rights over the Louisiana and Arkansas Railway Company between Winnfield, Louisiana, and Alexandria, Louisiana, and the RI's track and yard in Alexandria, Louisiana.

22. *Cedar Rapids and Iowa City Railway Company (CIC):*

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, Southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Davenport, Rock Island and North Western Railway Company.

23. *Keota Washington Transportation Company:*

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

24. *The La Salle and Bureau County Railroad Company:*[1]

A. from Chicago (milepost 4.26) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

[FR Doc. 80-35054 Filed 11-7-80; 8:45]

BILLING CODE 7035-01-M

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49 CFR Part 1111

[Ex Parte No. 282 (Sub-8)]

Railroad Consolidation Procedures—Time Revisions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of interim rules and request for comments.

SUMMARY: The Staggers Rail Act of 1980 amended 49 U.S.C. 11345 and substantially changed the time limits for Commission action on many railroad consolidation proceedings. Three categories of railroad consolidation proceedings are involved. They are the merger or control of at least two class I railroads, a transaction of regional or national transportation significance, and any other transactions covered by 49 U.S.C. 11343. These interim rules adopt those time limits and specify the transactions to which they apply.

DATES: These interim rules are effective on November 7, 1980. Comments are due on or before December 10, 1980.

ADDRESS: An original and 15 copies of comments, if possible, should be sent to: Ex Parte No. 282 (Sub-No. 8), Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

[1]Added.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026; or Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: The Staggers Rail Act of 1980 (1980 Act) altered the times which the Commission has to act on certain types of proceedings. Three categories of railroad consolidation proceedings are involved. They are the merger or control of at least two class I railroads,[1] a transaction of regional or national transportation significance, and any other transactions covered by 49 U.S.C. 11343.

The time limits for transactions involving two or more Class I railroads have not been changed.

The time limits involving transactions of regional or national transportation significance differ substantially from those which existed before the 1980 Act. Under these provisions the Commission must accept or reject an application within 30 days of its filing. If the Commission accepts an application, by publishing a notice in the **Federal Register**, written comments must be filed within 30 days of that publication and comments by the Attorney General and Secretary of Transportation must be filed 15 days after the written comments have been received. Inconsistent applications and petitions for inclusion must be filed within 60 days of publication of the notice. The Commission has 180 days from the publication of the notice to conclude evidentiary proceedings in these cases, and 90 days from the conclusion of evidence to issue a final decision.

All other transactions must also be accepted or rejected within 30 days. Written comments must also be filed within 30 days of acceptance, and the Secretary of Transportation and Attorney General must submit their comments within 15 days of receipt of the written comments. There is no provision for the filing of inconsistent applications or petitions for inclusion for these types of transactions. Therefore, we presume that these types of relief were not contemplated by Congress, and we will not permit their filing in these cases. Evidentiary proceedings in these transactions must be completed 105 days after the notice of acceptance of the application has been published and a final decision must be issued 45 days after the completion of evidence.

The 1980 Act also requires the Commission to indicate the time limits which apply to a particular transaction when it publishes a notice in the **Federal Register.**

[1]Class I railroads are those which generate more than $50 million in operating revenues annually.

We have also amended our existing regulations to define the three types of cases. Transactions are defined as either major or minor (§ 1111.5(a) and (b)). Major transactions are broken down into controls or mergers involving more than one class I railroad (§ 1111.5(a)(1), and transactions of regional and national transportation significance which include controls or mergers which do not involve two or more class I railroads and major market extensions (§ 1111.5(a)(2) and (3)).

We are adopting these interim rules. We invite all persons to participate in this proceeding by submitting an original and 15 copies of their views and arguments concerning the adoption of these rules permanently. The attached appendix contains the changes to the regulations adopted in the **Federal Register** on September 23, 1980 (45 FR 62991).

These regulations are adopted pursuant to 49 U.S.C. section 11345 and 5 U.S.C. section 553.

Dated: October 29, 1980.

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

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1111—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS AND LEASE PROCEDURES

The following amendments are made to 49 CFR Part 1111.

§ 1111.4 [Amended]

(1) Section 1111.4(c)(7)(i) is amended by adding a new sentence at the end which reads:

* * * * *

(c) * * *

(7) * * *

(i) * * *

The Commission notice published in the **Federal Register** shall indicate: (A) the merger or control of at least two Class I railroads, as defined by the Commission, shall be decided within the time limits of 49 U.S.C. 11345(b); (B) transactions of regional or national transportation significance shall be decided within time limits specified in 49 U.S.C. 11345(c); or (C) any other transaction covered by 49 U.S.C. 11343–11345 shall be decided within time limits specified in 49 U.S.C. 11345(d).

* * * * *

(2) Section 1111.4(d)(1)(i) is revised to read as follows:

* * * * *

(d) * * *

(1) * * *

(i) "Written comments must be filed no later than 45 days after an application is accepted, except that these comments on transactions defined in § 1111.5(a) (2) or (3) or § 1111.5(b) must be filed within 30 days of the acceptance of an application."

* * * * *

(3) Section 1111.4(d)(2) is amended by adding a new sentence after the first sentence which reads as follows:

* * * * *

(d) * * *

(2) * * *

For transactions defined in § 1111.5(a) (2) or (3) and 1111.5(b) these comments are due within 4 days of the date of acceptance of the application. * * *

* * * * *

(4) Section 1111.4(d)(4) is amended by changing the first sentence to read as follows:

* * * * *

(d) * * *

(4) All responsive applications shall be filed within 90 days, after the primary application has been accepted except those filed for transactions defined in § 111.5(a) (2) or (3) which shall be filed within 60 days after acceptance. No inconsistent applications or petitions for inclusion will be permitted for applications filed under § 1111.5(b).

(5) Section 1111.4(e) is amended by deleting the second paragraph and replacing it with the following:

* * * * *

(e) In transactions filed under § 1111.5(a) (2) or (3), the Commission will conclude the oral hearing, hearing by written submission, other evidentiary proceedings within 180 days following the date the application is accepted. A final decision will be issued 90 days after the close of evidence in these proceedings. For applications under § 1111.5(b), the Commission will conclude the evidentiary proceedings within 105 days following the date the application is accepted. A final decision will be issued 45 days from the completion of the evidentiary period in these cases. Where the transaction is filed under § 1111.5(a)(1), the evidentiary hearings shall be concluded not more than 24 months following the date the application is accepted. The Commission will issue a final decision by the 180th day after the conclusion of the evidentiary proceeding.

§ 1111.5 [Amended]

(6) Section 1111.5(a) is revised to read as follows:

(a) A *major* transaction includes:

(1) A control or merger involving two or more class I railroads;

(2) Any other control or merger; or

(3) A major market extension resulting from:

(i) Acquisition

(ii) Lease

(iii) Partial purchase

(iv) Purchase

(v) Trackage rights, or

(vi) Any other agreement or coordination project.

A major transaction must involve one or more class I railroads acting together with one or more other class I or class II railroads. The transactions defined in paragraphs (a) (2) and (3) of this section are of regional or national transportation significance s defined in 49 U.S.C. 11345.

* * * * *

§ 1111.4 [Amended]

(7) Section 1111.4(i) is added, and states:

* * * * *

(i) If the Commission does not issue a decision that is a final action under 49 U.S.C 10327, it will send written notice to Congress that the decision was not issued and the reasons why it was not issued.

[FR Doc. 80-34967 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[SW FRL 1665-1]

Consolidated Permit Regulations and Hazardous Waste Management System

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of issuance of regulation interpretation memorandum.

SUMMARY: The Environmental Protection Agency (EPA) is issuing today a Regulation Interpretation Memorandum (RIM) which provides official interpretation of one of the signatory provisions of its May 19, 1980 consolidated permit regulations and hazardous waste management regulations promulgated under Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA). Questions have been addressed to the Agency requesting clarification of the requirement in 40 CFR 122.4(b) that for RCRA, owners and operators of hazardous waste management facilities

must sign and thereby certify to the permit application.

DATE: This Regulation Interpretation Memorandum becomes effective November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Brook, Office of Water Enforcement (EN-336), U.S. Environmental Protection Agency, Washington, DC 20460, (202) 755-0750.

In the matter of RIM 122-80-1, Regulation Interpretation Memorandum on Clarification of the Facility Owner's Signature and Certification on the RCRA Permit Application § 122.4(b).

Issue

Section 122.4(b) of the consolidated permit regulations requires both the owner and the operator of a hazardous waste management facility to sign and certify the application for a RCRA permit. EPA has received a number of requests from the regulated community seeking clarification of this requirement, particularly as to what persons are considered "owners" of facilities for signatory purposes. Commenters have stated that in many cases title for a facility will be split for financing purposes between the "legal" and "equitable" owner, and that the legal titleholder should not be required to sign a permit application.

Discussion

It is the intention of the Agency that all those who exercise effective ownership and control of a hazardous waste facility sign and certify to the permit application. It is not the intention of the Agency that those holding bare legal title solely for the purpose of establishing security for a financing arrangement be required to sign and certify to the permit application.

Therefore, solely for the purpose of this regulation, 40 CFR 122.4(b), the Agency will interpret the term "owner" so as to exclude those who both hold bare legal title for the purpose of providing security for a financing agreement, and do not exercise any of the effective incidents of ownership or equitable title.

It is not the intention of EPA to enter the complex field of property relationships and promulgate a new rule defining who is or is not holding title beyond bare legal title. Rather, interested parties should examine relevant state and federal law. In the event that a titleholder shall be considered by relevant state or federal laws, such as property, partnership, securities or tax laws, to hold equitable title or incidents of ownership beyond bare legal title, then that titleholder shall be considered an owner for the purposes of 40 CFR 122.4(b). It is the intention of the Agency to narrowly construe this interpretation and where there is doubt a titleholder will be considered an owner. For example, a mortgagee bank holding a deed in trust given to secure mortgage financing will not be considered an owner under 40 CFR 122.4(b). The vendee-lessor in a sale-lease back arrangement may or may not be an "owner" depending on the terms of the sale-lease back agreement and pertinent state and federal laws.

This interpretation shall be limited to 40 CFR 122.4(b) and shall not affect other responsibilities and liabilities imposed by law or regulation. For example the requirements of 40 CFR 265.120, placement of a notice in the deed to the property, must still be adhered to, irrespective of the status of the titleholder who must comply with this requirement. Similarly nothing in this RIM is intended to release any person from liability or responsibility beyond the responsibility to sign and certify to the permit application and such liability and responsibility as accrues from the signing and certifying to the permit application.

Dated: November 3, 1980.

Approved:

R. Sarah Compton,

Deputy Assistant Administrator for Water Enforcement.

Steffen W. Plehn,

Deputy Assistant Administrator for Solid Waste.

[FR Doc. 80-35197 Filed 11-7-80; 10:14 am]

BILLING CODE 6560-30-M

Proposed Rules

Federal Register
Vol. 45, No. 219
Monday, November 10, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

Increase in License Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes an increase in the license fee in the Regulations (other than Rules of Practice) issued under the Perishable Agricultural Commodities Act to cover increased costs associated with administration of the program.

DATE: Written comments on this proposal should be filed by November 25, 1980.

ADDRESS: Written comments should be filed in duplicate with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1. 27(b)).

FOR FURTHER INFORMATION CONTACT: Wilbur A. Rife, Head, License Section, Regulatory Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447–2189.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's memorandum 1955 and supplemental memorandum dated March 5, 1980, to implement Executive Order 12044 and has been determined to be exempt from those requirements.

Dr. William T. Manley, Deputy Administrator, AMS, made this determination because the proposal is in response to an emergency funding situation and as such is considered to be an agency management decision.

Background

The Perishable Agricultural Commodities Act was enacted by Congress in 1930, after recognizing the need for a code of fair trading standards to curb abuses in marketing of perishable agricultural commodities in interstate or foreign commerce. It prohibits unfair and fraudulent practices thereby protecting the growers, shippers, and distributors dealing in those commodities. It established a means for the enforcement of contracts by providing for the collection of damages from anyone who fails to live up to contractual obligations. The law is enforced through a licensing system. All commission merchants, dealers, and brokers engaged in business subject to the Act must be licensed. Since its enactment, the Act has been amended numerous times to keep it in accord with changing trade practices.

The cost of administering the Act is financed entirely through the license fees paid by those engaging in business subject to the law. The Secretary is charged with setting the license fee at a level necessary to meet the expenses of administration within the maximum provided in the law by Congress. Amendments to the Act in 1978, permitted the Secretary to assess a base annual license fee of up to $150 plus an assessment of up to $50 per branch for each branch operation exceeding nine. However, the aggregate annual license fee for any firm cannot exceed $1,000.

The legislative increase of exemptions for certain operators provided in the latest amendments to the Act in 1978 has been one of the major factors in the shrinking of the source of funds for administering the Act by decreasing the number of firms subject to a license. Continued mergers and acquisitions have been common among produce firms of all sizes and have also attributed to the decline in the number of licensees. As a result of this decline, there were 15,650 licensees under the Act at the end of fiscal year 1980 as compared to 16,179 at the end of the 1979 fiscal year. The workload under the program has increased in the past fiscal year with a slightly larger number of complaints being filed requiring substantially more personal investigations. This increase has contributed to increased operation costs even though the number of employees engaged in the Administration of the program has not increased.

In order to assure continued and effective administration of the program, the license fees related to firms dealing in commodities subject to the Perishable Agricultural Commodities Act must be amended to reflect the increased cost associated with this program in the coming fiscal year to meet the requirements of the Federal Pay Comparability Act of 1970 and the increased cost of travel mandated by Congress. It is proposed to amend the Regulations (other than Rules of Practice) (7 CFR Part 46) under the Act as follows:

7 CFR 46.6 is revised to read as follows:

§ 46.6 License fee.

The annual license fee is one hundred and fifty (150) dollars plus fifty (50) dollars for each branch or additional business facility operated by the applicant exceeding nine. In no case shall the aggregate annual fees paid by any applicant exceed one thousand (1,000) dollars. The Director may require that the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

It has been determined that in order to cover the increased cost of services in compliance with the requirements of the Federal Pay Comparability Act of 1970 and the increased travel expenses in connection with the performance of the services of the program, the license fees must be increased to keep the Perishable Agricultural Commodities Act fund solvent and produce sufficient revenue needed to continue the effective administering of the Act.

In view of the circumstances related above, and pursuant to the provisions of 5 U.S.C. 553(d)(3) and 7 U.S.C. 499c(b), it is found that a thirty day period for notice and comment are impracticable and contrary to the public interest. It is further found, under these circumstances, that only a 15-day period for comment is reasonable. Therefore, the time for filing comments is limited to November 25, 1980.

Done at Washington, D.C., on: November 3, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-35059 Filed 11-7-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[Docket No. PRM-51-5]

States of New York, Ohio, and Wisconsin; Notice of Denial of Petition for Rulemaking

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: By a two-two vote, the Nuclear Regulatory Commission (NRC) had deadlocked over whether to grant a motion filed by the States of New York, Ohio, and Wisconsin in Docket No. RM-50-3, on December 15, 1978, which has been treated as a petition for rulemaking and assigned Docket No. PRM-51-5. A notice of receipt of the petition and request for comments was published in the **Federal Register** on November 14, 1979. The petitioners requested that the Table of Uranium Fuel Cycle Environmental Data be amended to account for the commitment of economic resources necessitated by the various nuclear waste management activities involved in the uranium fuel cycle. The effect of the Commission's tie vote is that the petition is denied.

ADDRESS: Copies of the petition for rulemaking and the NRC's letter of denial are available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: T. R. Workinger, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-427-4211.

SUPPLEMENTARY INFORMATION: The petitioners proposed that the Nuclear Regulatory Commission amend Table S-3 of 10 CFR 51.20(e) to include dollar value impacts to account for the commitment of economic resources necessitated by the various nuclear waste activities involved in the uranium fuel cycle. Specifically, the petitioners proposed that Table S-3 include the commitment of economic resources (cost/RRY*) for low-level waste disposal, fuel pool storage, transporation, spent fuel containers, geological repository, and dismantling of the nuclear reactor at the end of its useful life, and proposed a range of values for each of these cost categories. By a two-two vote, the Commission has deadlocked over whether to grant this petition. The petition is therefore not granted by the Commission. This supplementary information reviews the background of the petitioners' request. Separate views of the Commissioners are appended.

*Reference Reactor Year (RRY).

Basis for Request

The States made several statements to justify consideration of their proposal. Their main points are summarized below:

1. Exclusion of economic values from Table S-3 "would not only be contrary to the Commission's statements regarding this reopened proceeding but contrary to the law governing the rulemaking.

2. The Commission's regulations "acknowledge the need to consider the impacts of reactor operation *prior* to reactor licensing * * * To exclude adverse data would, of course, fatally prejudice the cost-benefit analysis."

3. The Commission's regulation, 10 CFR 51.20(e) (1977), states that "the impacts of the entire uranium fuel cycle are to be quantified in Table S-3 and that no further discussion of those impacts is required beyond Table S-3." Relying on the 1977 rule, the petitioners state that "* * * inclusion in Tabel S-3 of economic data relating to the backend of the fuel cycle is mandated * * *" by this regulation. the petitioners point out that Table S-3 quantifies various environmental effects, but "does not state how many dollars will be used or irretrievably committed as a result of reactor operation and the fuel cycle activities, such as waste management, which are crucial to the protection of man and his environment." They claim that "the costs which have been omitted (from Table S-3) are unavoidable, direct and quantifiable * * *" They also claim that the costs of reactor decontamination, decommissioning, and waste disposal are substantial and that exclusion of these costs renders individual cost-benefit analyses for reactor licensing proposals "hopelessly invalid."

4. "The true costs associated with the waste management and fuel reprocessing portions of the uranium fuel cycle involve the irretrievable commitment of economic resources. Thus the assessment and inclusion of these costs in Table S-3 are fundamental to compliance with the National Environmental Policy Act, section 102(2)(D) and essential to an accurate balancing of costs and benefits by the Commission as mandated by 10 CFR 51.20(b)." The Council on Environmental Quality's guidelines specify that secondary or indirect consequences should be included in analyses for environmental impact statements. According to the guidelines, these effects "may often be even more substantial than the primary effects of the original action itself" (40 CFR 1500.8(a)(3)(ii)) (1977). Thus, "(t)here could be no more appropriate application of this section of the CEQ guidelines than to the economic impacts of waste management activities."

Present Status of S-3 Rule

On August 2, 1979, after an extensive proceeding focused on the nuclear waste management and fuel reprocessing parts of the fuel cycle, the Commission promulgated a final rule, 44 FR 45362-45374, which sets out revised impact values in Table S-3. The impact values in this table differ only slightly from the values in the interim rule. The final rule also specifies fuel-cycle-related subjects that are to be considered in individual licensing proceedings as part of the environmental cost-benefit analysis for a power reactor.

Request for Comments on Petition

A notice of filing of petition for rulemaking was published in the **Federal Register** on November 14, 1979 (44 FR 65598). The comment period expired January 14, 1980. Seven letters of comment were received in response to this notice. One of the letters supported the petition and six letters opposed the petition.

The letter in support of the petition noted, in general, that costs are escalating significantly.

Four of the letters opposing the petition commented on the proposed costs for decommissioning a nuclear power reactor at the end of its useful life. Two letters addressed the issue of whether reactor decommissioning costs should be considered in the fuel cycle rule, since the S-3 fuel cycle rule was designed to assess the environmental impact of the steps in the fuel cycle external to the reactor site.

Three letters commented that nuclear waste management costs are case-specific, vary with time, and should not be included in the S-3 fuel cycle rule. One letter commented that the rule is of little practical value unless its elements are both (1) generally applicable (generic), as distinguished from being tied to the individual circumstances of a particular reactor (case-specific), and (2) reasonably stable and predictable over time. Cost values probably would not remain up to date very long, and thus the necessity to continually update cost values in the rule would defeat the very purpose of establishing it—to avoid constant relitigation of the issues.

A copy of "Abstracts of Comments and Staff Responses: Proposal that Nuclear Regulatory Commission Amend Table S–3 of 10 CFR 51.20(e) to Include the Economic Impacts of Various Waste Managment Activities of the Uranium Fuel Cycle—Docket No. PRM 51–5," will be placed in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., for public inspection and copying for a fee.

The effect of the Commission's action on this petition is that it is denied.

Dated at Washington, D.C., this 3rd day of November, 1980.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk

Secretary of the Commission.

Separate Views of Chairman Ahearne and Commissioner Hendrie

Chairman Ahearne and Commissioner Hendrie, who voted to deny the petition, based their decision on the following analyses:

The decision whether to resolve issues by rulemaking or in individual licensing proceedings, and determination of the scope of a given rulemaking proceeding, is a matter of Commission discretion. By itself, Table S–3 does not and is not intended to implement all the requirements of NEPA. Its purpose is to fix generically, by rulemaking proceedings, certain environmental effects attributable to the variety of uranium fuel cycle activities in support of a model 1,000 MWe nuclear reactor, which are beyond the control of the license applicant, so that it is not necessary for each applicant, other interested persons, and the NRC staff to redefine and litigate these values in every individual reactor licensing proceeding. Cost data are somewhat regional or site-specific and vary with time; and the applicant has some control over costs by choice of alternatives, e.g., method for waste treatment or method of decommissioning. Moreover, generic dollar values would be subject to challenge because they may not remain valid for very long, and if included in Table S–3, they would have to be frequently updated by rulemaking proceedings to amend Table S–3. The necessity to frequently update economic values in the S–3 fuel cycle rule would defeat its purpose—to avoid constant relitigation. For these reasons, the economic commitments related to the various nuclear waste activities involved in the uranium fuel cycle should continue to be addressed on a case-by-case basis and discussed in a manner similar to the way all other economic commitments are addressed in the applicable sections of environmental reports and environmental impact statements. Since the applicant and the staff both have access to current cost data and estimated costs, the evaluation of the economic costs of power generation and related cost-benefit analyses in environmental reports and impact statements should be based on current regional or site-specific cost projections, rather than generic values.

Grounds for Denial

Petition fo rulemaking PRM 51–5 should be denied on the grounds that economic costs related to nuclear waste management activities are too variable to be treated generically and are more appropriately addressed on a case-by-case basis in the same manner as other economic cost data relevant to the evaluation of the cost of generating power. Not only does the choice among alternative nuclear waste management activities affect the amount of economic resources committed, but the alternative selected is specific to each reactor and is within the license applicant's control. Since generic cost data are unlikely to remain valid for more than a short period of time, and since appropriate facility-specific data are readily available for use by the applicant, intervenors and the NRC staff, there is little merit in supplying generically derived cost data in Table S–3 for use in the benefit-cost analysis of individual nuclear reactors.

Separate View of Commissioner Gilinsky

I would grant the motions to amend Table S–3 to include the costs in dollars of the various waste management activities connected with power reactor operation. The Table cannot be used for its intended purpose—the balancing of costs and benefits of reactor operation—without such figures. The staff position that the costs related to waste are so variable that they cannot be treated generically is to my mind indefensible.

I should add that I continue to believe, as I wrote in my separate views on the final adoption of the S–3 rule (44 FR 45374), that it is virtually inconceivable that the Table would affect the outcome of any licensing proceeding before our Boards, precisely because of the generic nature of the information it contains. Because the Table does not distinguish among reactors, a decision in one case that the fuel cycle costs outweigh the reactor's benefits is in effect a decision that no reactor should be licensed. As a practical matter, such a finding can only come from the Commission itself. What is wanted for the Boards is therefore not a table of values but a generic finding by the Commission.

Nevertheless, since the Commission has chosen to have the Boards work with the Table, we should try to make it usable.

While it is true that cost data will vary slightly from region to region and reactor to reactor, bounding assumptions can be made and values can be attached to particular alternatives. Cost figures would not need to be updated more than every five years, and this would be a much easier matter than litigating them in individual proceedings.

Commissioner Bradford agrees with the general thrust of these comments.

[FR Doc. 34974 Filed 11–7–80; 8:45 am]

BILLING CODE 7590–01–M

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10 CFR Part 170

Fees for Review of Applications

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing an interpretative rule to clarify that fees for review will be charged, as appropriate, when review of an application is completed, whether by issuance of a permit, license, or other approval, or by denial or withdrawal of an application, or by any other event that brings active Commission review of the application to an end.

DATES: Comments are due by December 8, 1980.

FOR FURTHER INFORMATION CONTACT: William O. Miller, Chief, License Fee Management Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301–492–7225.

SUPPLEMENTARY INFORMATION: Based upon the language of 10 CFR 170.12(b) and of footnote 3 to 10 CFR 170.21 (footnote 3 reads in pertinent part as follows: "When review of the permit, license, approval, or amendment is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees. * * *") the Commission has been billing power reactor construction permit applicants for the actual costs of review of their applications up to the time the applicant withdraws the application from Commission consideration.

It was the Commission's intent in promulgating 10 CFR Part 170 that charges be assessed whenever a review is brought to an end, whether by reason

of issuance of a license, a denial of an application, or by its withdrawal, suspension or postponement. Such charges are authorized and directed under Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) and supported by judicial decision upholding charges for government services rendered to applicants based upon cost to the agency. *See e.g., Mississippi Power and Light* v. *NRC*, 601 F.2d 223 (1979) *cert. denied* 444 U.S. 1102 (1980), and cases cited therein. The fee guidelines approved by the Commission and the Court of Appeals in *Mississippi Power and Light* v. *NRC, supra*, make clear the Commission's position that the review of an application at the request of a recipient of the service, is a service for which a charge may be made. In the guidelines, fees may be assessed for services rendered at the request of an applicant whether or not these services are linked to or result in the issuance of a permit or license. For example, the guidelines support the inclusion in the fee schedule of "special projects and reviews" that do not result in issuance of permits, licenses or approvals but are yet subject to a fee for the service based upon actual cost. (10 CFR 170.21, Schedule F). The review given a power reactor application that does not end in a permit or license is analogous to a special project with respect to the work performed and the service rendered to the applicant.

The interpretative amendments to 10 CFR 170.12 are intended to remove any possibility of misunderstanding the Commission's intent in appropriate cases to charge fees on withdrawal or denial of an application, and in cases of suspension or postponement of action on an application. The Commission will consider billing an applicant for costs incurred in the processing and review of an application upon either a statement of intent by the applicant to postpone further review effort or a delay in the construction schedule which causes the staff to postpone further review. In the event such an application is reinstated without significant changes, or review effort recommenced, subsequent charges will accrue only from the time of reinstatement or recommencement of review effort. In such cases the aggregate of charges for review of applications covered by the actual cost principle will not exceed the scheduled amount for the class of facility.

Although the impetus for issuing this interpretative rule stems from the withdrawal of power reactor construction permit applications, the interpretative amendments also apply to certain materials licenses applications subject to the actual cost principle as stated in footnote 4 to 10 CFR 170.31. These are primarily major fuel processing and fabrication plants, waste storage and disposal facilities, spent fuel storage facilities, uranium milling plants, evaluation of casks and packages, and special projects.

Since the new language merely restates what the Commission's rule has been on collecting fees for withdrawn or otherwise terminated applications since the promulgation of revisions to 10 CFR Part 170 (43 FR 7418), the clarifying language, if adopted as proposed, will be applicable to all license applications on file before the Commission on or after March 23, 1978, the effective date of the current version of 10 CFR Part 170, as well as to those received after adoption of the clarifying language.

Although the rules' changes in these amendments are interpretative only and could be published effective immediately without notice and comment under 5 U.S.C. 553(b), and without the customary 30 days notice under 5 U.S.C. 553(d), the Commission has decided to solicit public comment and, therefore, is proceeding by normal notice and comment rulemaking procedure prior to adopting the clarifying language.

Pursuant to Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Part 170, Title 10, Chapter 1, Code of Federal Regulations, is contemplated.

1. Paragraphs 170.12(b), (e), and (f) of 10 CFR 170.12 are amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(b) *License fees.* Fees for review of applications for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed. For the purposes of this Part the review of a project is completed when a permit or license is issued, or an application for a permit or license is denied, withdrawn, suspended, or action on the application is postponed.

* * * * *

(e) *Approval Fees.* fees for review of applications for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. For the purposes of this Part the review of a project is completed when the approval is issued, or the application for an approval is denied, withdrawn, suspended, or action on the application is postponed. Fees for facility reference standarized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design are referenced in an application(s) filed by a utility or utilities. In the event the standardized design approval application is denied, withdrawn, suspended, or action on the application is postponed, fees will be collected when the review is completed and the five (5) installment payment procedure will not apply.

(f) *Special Project Fees.* Fees for review of special projects are payable upon notification by the Commission when the review of the project is completed. For the purposes of this Part the review of the project is completed upon notification by the staff that it has finished its review, upon withdrawal of the request, or suspension or postponement of further review.

2. A new paragraph is added to § 170.12 of Part 170 to read as follows:

§ 170.12 Payment of fees.

* * * * *

(i) this section applies to all applications for licenses, permits approvals or requests for review of special projects on file with the Commission on or after March 23, 1978.

(Sec. 501, 65 Stat. 290 (31 U.S.C. 483a), Sec. 161, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Washington, D.C., this 3rd day of November 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary to the Commission.

[FR Doc. 80-34851 Filed 11-7-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-80-35]

Retailer Price Rule for Motor Gasoline

AGENCY: Economic Regulatory Administration.

ACTION: Notice of postponement of public hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department

of Energy (DOE) hereby gives notice that because of conflicting schedules, the public hearing on the "Retailer Price Rule for Moror Gasoline" (October 10, 1980, 45 FR 67355) previously announced to be held 9:30 a.m. on November 6, 1980 in the Goldengate Room of the Jack Tar Hotel, San Francisco, California has been rescheduled for December 2, 1980.

DATES: The public hearing will be held on December 2, 1980, 9:30 a.m.

Requests to speak are requested to be received by 4:30 p.m., November 21. The Washington, D.C. hearing remains as scheduled, and will be held November 12, 1980, 9:30 a.m.

ADDRESSES: Public hearing locations:

Ramada Inn—Fisherman's Wharf, Crocker-Hopkins Room, 590 Bay Street, San Francisco, California.

Room 2105, 2000 M Street N.W., Washington, D.C.

Requests to speak should be addressed to Ms. Terry Osborn, Department of Energy, 333 Market Street, San Francisco, California 94105 (415–764–7027).

FOR FURTHER INFORMATION CONTACT:

Karene F. Walker (Public Hearings Division), Economic Regulatory Administration, Room B–210, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3971.

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

Roger Miller (Office of Regulatory Policy), Economic Regulatory Administration, Room 7121, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3245.

William Funk or Mayo Lee (Office of the General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–6736 or 252–6754.

Issued at Washington, D.C. on October 31, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy Economic Regulatory Administration.

[FR Doc. 80-35141 Filed 11-6-80; 2:50 pm]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-53-AD]

McDonnell Douglas DC–10 Series Airplane; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require replacement of the electrical connector assemply in the fuel boost/transfer pump housing on certain McDonnell Douglas DC–10 series airplanes. The proposed AD is prompted by reports of electrical arcing and burning between loose electrical pins in the fuel boost/transfer pump housing which could result in an ignition source inside the pump housing.

DATE: Comments must be received on or before January 5, 1981.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region. Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. Attention: Director, Publication and Training C1–750–[54–60]

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone (213) 536–6351.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of loose electrical pins in the electrical connector assembly in the fuel boost/transfer pump housing receptacle on certain McDonnell Douglas DC–10 series airplanes which could result in an ignition source in the pump housing. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require replacement of electrical connector assemblies on certain McDonnell Douglas DC–10 series airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas

Applies to Model DC–10 series airplanes, fuselage numbers 1 through 98, except fuselage number 2, certified in all categories.

Compliance is required as indicated unless already accomplished.

To prevent electrical arcing and burning in the electrical connector in the Hydro-Aire fuel pump housing, accomplish the following:

(a) Within 300 hours' additional time in service after the effective date of this AD, replace the electrical connectors in the fuel boost/transfer housings in those fuel tanks specified, in accordance with paragraph 2, Accomplishment Instructions, McDonnell Douglas Service Bulletin, DC–10 SB 28–17 Revision 2, dated July 27, 1973.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, Calif., on October 30, 1980.

John D. Mattson,

Director, FAA Western Region.

[FR Doc. 80-34935 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-49-AD]

Airworthiness Directives: Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: The Federal Aviation Administration proposed to amend Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 series airplanes having cold bonded upper body skin tear straps. Airlines using the ultrasonic inspection techniques for detection of tear strap delamination recommendations by the manufacturer have found a significant number of occurrences of such delamination. These straps act to arrest the progression of longitudinal skin cracks. Delamination degrades the tear strap function and could result in rupture of the fuselage skin due to fatigue cracks and subsequent rapid decompression of the cabin. Since this condition is likely to exist or develop on other airplanes of the same design the proposed airworthiness directive would require inspection and repair of the affected aircraft.

DATES: Comments must be received on or before January 1, 1981.

ADDRESSES: Send comments on the proposed rule in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-49-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Yarges, Airframe Branch, ANW-120S, Seattle Aircraft Certification Area Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: The 727 upper body tear straps are circumferential structural members which in the event of a crack developing in the upper body skin provide a fail-safe capability against pressure vessel rupture. Properly functioning straps stop the progression of longitudinal cracks in the upper body, limiting the maximum possible rupture size. To function properly the straps must be continuously attached (within specified limits) to the upper body skin. This is accomplished with an adhesive bond. 727's in which a cold bond manufacturing process has been used for attachment have had a history of adhesive bond degradation and skin/strap delamination. Recent inquiries made by the FAA show such delamination is a widespread problem and for some airplanes can be very extensive.

Boeing has published a service bulletin (No. 727-53-82) which recommends periodic ultrasonic inspection of tear straps and methods of repair is delamination is found. Some airplane operators have incorporated the ultrasonic inspection into their aircraft maintenance program. Those who do use the ultrasonic inspection have reported delamination requiring repair on roughly half of the airplanes inspected. One operator reported an aircraft having thirty delamination locations which required repair. Operators using other inspection methods report finding few delamination cases and these are usually accompanied by corrosion which increases the likelihood of being detected.

For these reasons the FAA believes that periodic ultrasonic inspection should be made mandatory.

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 80-NW-49-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing

Applies to all Model 727 series airplanes, certificated in all categories, listed in Boeing Service Bulletin No. 727-53-82 Revision 2, dated March 28, 1975, or later FAA approved revisions. Compliance required as indicated.

To detect delamination of the upper body skin bonded tear straps and to correct the delaminated condition accomplish the following:

A. Within six (6) months from the effective date of this AD, unless accomplished within the last six (6) months, and thereafter, at intervals not to exceed twelve (12) months inspect the upper body skin bonded tear straps for delamination from the body skin in accordance with the ultrasonic inspection procedures of Boeing Service Bulletin No. 727-53-82, Revision 2, dated March 28, 1975, or later FAA approved revisions, or in accordance with equivalent procedures approved by the Chief, Seattle Aircraft Certification Area Office, FAA Northwest Region.

B. Bond delaminations outside the limits of Boeing Service Bulletin No. 727-53-82, Revision 2, dated March 28, 1975, or later FAA approved revisions, are to be repaired before further pressurized flight in accordance with one of the following methods or in accordance with an equivalent method approved by the Chief, Seattle Aircraft Certifications Area Office, FAA Northwest Region:

1. Method II of Service Bulletin No. 727-53-82, Revision 2. (This method provides a permanent repair if corrosion is present).

2. Method III of Service Bullentin No. 727-53-82, Revision 2. (This method is only to be used if their are no visible traces of corrosion.)

3. Method IV of Service Bulletin No. 727-53-82, Revision 2. (This method is only considered a temporary repair and must be replaced with one of the other repairs within 1 year).

Accomplishment of repairs 1, or 2 above, constitutes terminating action of this AD for the repaired area.

C. Bond delaminations within the limits of Boeing Service Bulletin No. 727-53-82, Revision 2, dated March 28, 1975, or later FAA approved revisions are to be repaired in accordance with one of the repair methods of paragraph B of this AD or are to be ultrasonically reinspected for delamination growth at intervals not to exceed six (6) months.

D. Aircraft may be ferried, with the cabin pressurized, to a maintenance base for repair in accordance with FAR 21.197.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421,

1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Wash., on October 31, 1980.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 80-34936 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-49]

Proposed Alteration of Control Zone: Santa Fe, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose alteration of the control zone at Santa Fe, N.M. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Santa Fe County Municipal Airport. The circumstances which created the need for the action is the proposed installation of an instrument landing system (ILS) to Runway 02.

DATES: Comments must be received on or before December 10, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart F § 71.171 (45 FR 356) of FAR Part 71 contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone at Santa Fe, N.M., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 10, 1980, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone at Santa Fe, N.M. The FAA believes this action will enhance IFR operations at the Santa Fe County Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed ILS to Runway 02. Subpart F of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 356).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 356) by deleting the present description and substituting the following:

Santa Fe, New Mexico

Within a 6.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.); and within 2.5 miles each side of the Doman LOM (latitude 35°33'09" N., longitude 106°08'29" W.) 215° radial, extending from the 6.5-mile radius area to 3 miles southwest of the Doman LOM (7.5 miles southwest of the threshold of Rwy 2)."

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

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on October 30, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-34934 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-CE-24]

Transition Area—Hutchinson, Kansas; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Hutchinson, Kansas, to provide additional controlled airspace in order to preserve the 3,000-foot MSL cardinal altitude for IFR arrivals and departures on the 7DME ARC.

DATES: Comments must be received on or before December 13, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation

Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles A. Sears, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE–538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before December 13, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Hutchinson, Kansas. It is necessary that additional controlled airspace be established in order to preserve the 3,000-foot MSL cardinal altitude for IFR arrivals and departures on the 7DME ARC. This airspace will also be used by aircraft operating between the Hutchinson VORTAC and the SALTT LOM. The requirement to contain IFR operations in controlled airspace entails alteration of the transition area at Hutchinson, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445) by altering the following transition area:

Hutchinson, Kansas

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Hutchinson, Kansas Municipal Airport (Latitude 38 03′ 56″ N, Longitude 97 51′ 37″ W) counter clockwise from the 125 radial of the Hutchinson VORTAC, to 9½ miles northeast and 4½ miles southwest of the Hutchinson ILS localizer northwest course extending to 18½ miles northwest of the Hutchinson ILS Outer Marker (Latitude 38 07′ 25″ N, Longitude 97 55′ 35″ W) and counter clockwise from 4½ miles southwest of the Hutchinson ILS northwest course via the 13 mile radius of the Hutchinson VORTAC (Latitude 37 59′ 49″ N, Longitude 97 56′ 02″ W) to the 125 radial of the Hutchinson VORTAC, to the 8½ mile radius of the Hutchinson Airport, excluding that airspace that overlies the Lyons, Kansas transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on October 28, 1980.

Paul J. Baker,

Director, Central Region.

[FR Doc. 80-34943 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-18]

Proposed Alteration of Transition Area, Chambersburg, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amended Notice of Proposed Rule Making.

SUMMARY: This amended notice amends an NPRM published in the **Federal Register** on July 16, 1980. It proposed to alter the Chambersburg, Pa., transition area over Chambersburg Municipal Airport, Chambersburg, Pa. This amendment will control additional airspace required to protect the instrument approach procedure as it has been modified with minor changes. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before November 17, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Douglas Ambrose, Airspace & Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone 212–995–3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before November 17, 1980, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430 or by calling (212) 995–3391. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Chambersburg, Pa., Transition Area. The airport is at present overlaid by a 700-foot area which will be expanded by the addition of an extension to the northeast, 3.5 miles in width and approximately 6 miles in length.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends its NPRM (Docket No. 80–EA–18) as follows:

Amend Item 1 of the proposal by deleting the whole proposed alteration of the description and insert in lieu thereof:

In the text delete "29 miles east of the VORTAC" and substitute therefore, "29 miles east of the VORTAC; and within 9.5 miles south and 4.5 miles north of the NEAL NDB (39°59'05"N., 77°37'58"W.) 029° bearing extending from the NDB to 18.5 miles northeast of the NDB".

(Sec. 307(a), Federal Aviation Act of 1958, (72 Stat. 749; 49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65).

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on October 20, 1980.

Norbert A. Owens,

Acting Director, Eastern Region.

[FR Doc. 80-34944 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA proposes to provide a rule for its implementation of Sec. 6 of Pub. L. 96–48, which authorizes NASA to provide liability insurance and to indemnify a user of a NASA space vehicle for claims of third parties resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle.

DATE: Comments or suggestions respecting the proposed rules should be submitted in writing on or before January 9, 1981.

ADDRESS: Robert J. Wojtal, Office of General Counsel, Code GK–3, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Robert J. Wojtal, Telephone (202) 755–3169.

SUPPLEMENTARY INFORMATION: NASA previously published an advanced notice of its Plant for implementing Space Transportation System (STS) Insurance and Indemnification Requirements (45 FR 10808–10809, February 19, 1980) and considered the comments received from the public prior to drafting the proposed rule. The Principal comment received was the concern expressed that the insurance market may not have the capacity to insure more than one user on board one Shuttle flight for 500 million dollars—the asserted maximum insurance available in the market. Based on this assumption, it was proposed that a facility be established to insure all users on board one Shuttle flight and the U.S. Government for the maximum insurance available in the market. The proposed rule continues to require each user on board each Shuttle flight to provide insurance coverage. If experience shows that the market does not have the capacity to provide the insurance requested from each user on board a Shuttle flight, the proposed rule would permit NASA to provide adequate liability protection by using one or more devices, including the use of a facility to insure all users and the U.S. Government.

The proposed NASA rule requires certain users of a NASA space vehicle to provide liability insurance protecting the user and the U.S. Government from third party claims. The rule also provides the conditions under which NASA will provide insurance or will indemnify such users from third party claims and provide authority to a NASA official to negotiate and enter into appropriate insurance and indemnification agreements and certify that an indemnification payment is just and reasonable. Examples of appropriate agreements are appended to the proposed rules. The rule also provides that a designated NASA official may authorize a deviation from the requirements of this rule.

PART 1214—SPACE TRANSPORTATION SYSTEM

14 CFR Chapter V, Part 1214 is amended by adding a new Subpart 1214.13, reading as follows:

Subpart 1214.13—Insurance and Indemnification of NASA Space Vehicle Users

Sec.

1214.1300 Scope.
1214.1301 Definitions.
1214.1302 Insurance and indemnification.
1214.1303 Conditions to indemnification.
1214.1304 Responsibilities and procedures.
1214.1305 Deviations.
Appendix A: Provision applicable to Shuttle payload users.
Appendix B: Provision applicable to NASA contractors providing payload specialists for Shuttle.

Authority: Sec. 203, Pub. L. 85–568, 72 Stat. 429, as amended (42 U.S.C. 2473); § 308 of the National Aeronautics and Space Act of 1958, as amended.

Subpart 1214.13—Insurance and Indemnification of NASA Space Vehicle Users

§ 1214.1300 Scope.

This Subpart sets forth: (a) The conditions under which NASA requires a user of a NASA space vehicle to provide third party liability insurance protecting the user and the U.S. Government from claims by third parties for damage.

(b) The conditions under which NASA provides liability insurance to, or will indemnify, a user of a NASA space vehicle to compensate the user for claims by third parties for damage. This regulation does not apply to damage sustained by NASA or a user if such

damage is caused by other users or by NASA while involved in STS Operations as defined in each launch and associate services agreement. Each such agreement provides that NASA and all users agree to an inter-party waiver of liability during STS Operations.

(c) Appropriate implementing responsibilities and procedures.

§ 1214.1301 Definitions.

(a) Damage: Bodily injury to or death of any person, damage to or loss of any property, and loss of revenue or profits or other direct, indirect or consequential damages arising therefrom.

(b) Indemnify: To compensate a user for third party claims, including the expenses of litigation or settlement.

(c) Small Self-Contained Payloads: These payloads are small (200 pounds or less and 5 cubic feet or less) scientific research and development payloads flown on a space-available basis in a NASA-supplied container under the provisions of Subpart 1214.9.

(d) Space Vehicle: An object intended for launch, launched or assembled in outer space, including the Space Shuttle and other components of a space transportation system, together with related equipment, devices, components and parts.

(e) Third party: Any person who may institute a claim against a user or the U.S. Government for damage.

(f) User: Any entity or person who enters into an agreement with NASA for use of all or a portion of a space vehicle; who owns or provides property to be flown on a space vehicle; or who employs a person to be flown on a space vehicle.

§ 1214.1302 Insurance and indemnification.

(a) NASA will indemnify the following users of a NASA space vehicle for third party liability to the extent that such claims are not compensated by liability insurance of the particular user. These users will not be required to obtain insurance.

(1) All users flying small self-contained payloads.

(2) All users who provide payload specialist services for NASA missions under a NASA contract.

(b) All other users of a NASA space vehicle shall obtain insurance protecting themselves, the United States Government and other persons or entities identified in the launch and associated services agreement entered into by NASA and the users for third party liability, except that the Associate Administrator for Space Transportation Operations, with the concurrence of the General Counsel and Associate Administrator/Comptroller of NASA, may waive this requirement with respect to a particular user and/or flight if he or she determines such action to be in the public interest. Ordinarily, agencies of the U.S. Government will not be required to obtain such insurance. To the extent NASA requires users to obtain such insurance. To the extent NASA requires users to obtain insurance, they should obtain insurance from a financially responsible commercial source. The amount of insurance and the terms and conditions of such insurance shall be agreed to by the user and NASA in view of the insurance available in the world market at a reasonable premium. NASA will agree to indemnify each user (except other U.S. Government agencies) for liability incurred by the user to the extent it is in excess of the NASA approved insurance purchased by or provided to the user, subject to the terms, conditions and exceptions contained in the indemnification agreement. Examples of the insurance and indemnification agreement that may be entered into by NASA and users are provided in Appendix A, "Provision Applicable to Shuttle Payload Users" and Appendix B, "Provision Applicable to NASA Contractors Providing Payload Specialists for Shuttle." These example agreements may be revised by the Associate Administrator for Space Transportation Operations pursuant to § 1214.1304, without revision of Appendix A or B.

(c) If NASA determines that adequate third party liability insurance is not available on reasonable terms and conditions or at a reasonable premium in the commercial insurance market or if NASA determines that the availability of third party liability insurance prevents an orderly and equitable allocation of the risk of liability, NASA will seek to provide adequate liability protection for users and the U.S. Government through one or more of the following devices:

(1) a user or users designated by NASA will be authorized to purchase an insurance policy protecting all users on board the flight, the U.S. Government and other persons or entities identified in the launch and associated services agreement entered into by NASA and the users. The insurance premium will be allocated among the users in an equitable fashion as determined or approved by NASA. A U.S. Government agency which is a user and/or a small self-contained payload user on that flight will not be required to pay a premium for this insurance.

(2) NASA will procure an insurance policy and allocate the premium among the users on board a particular flight in an equitable fashion as determined by NASA. A U.S. Government agency which is a user and/or a small self-contained payload user on that flight will not be required to pay a premium for this insurance.

(3) NASA will agree to indemnify the users for a reasonable premium. The resulting premium will be retained in an indemnification pool to be used by NASA to indemnify users of a NASA space vehicle or to offset equitably premiums of other users. NASA will agree to indemnify a user under this paragraph only to the extent that NASA determines that adequate insurance is not available at a reasonable premium and on reasonable terms and conditions in the commercial insurance market.

§ 1214.1303 Conditions to indemnification.

(a) NASA is authorized to agree to indemnify a user only to the extent that claims by third parties are not compensated by liability insurance of the user.

(b) A user shall not be indemnified for payments:

(1) which are within the deductible amounts of the user's insurance policy, or

(2) to its contractor or subcontractor for liability incurred by that contractor or subcontractor, or

(3) as settlement payments, unless such payments are agreed to by the United States.

(c) An agreement that provides for indemnification must also provide for:

(1) notice to the United States of any claim or suit against the users for death, bodily injury or loss of or damage to property, and

(2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

(d) No indemnification payment may be made unless the Administrator or his or her designee certifies that the amount is just and reasonable.

(e) The Associate Administrator for Space Transportation Operations, with the concurrence of the General Counsel and Associate Administrator/Comptroller, may prescribe other appropriate conditions to indemnification.

§ 1214.1304 Responsibilities and procedures.

The Associate Administrator for Space Transportation Operations, with the concurrence of the General Counsel and Associate Administrator/Comptroller, is responsible for negotiating and entering into

appropriate insurance and/or indemnification agreements and other transactions and certifying that the amount of an indemnification payment is just and reasonable. Indemnification payments will be made from sums which may be appropriated or which may be made available for such purpose, but no NASA program shall be curtailed or terminated because of such payments.

§ 1214.1305 Deviations.

Upon a determination in writing by the Associate Administrator for Space Transportation Operations, with the concurrence of the General Counsel and Associate Administrator/Comptroller of NASA, that it will serve the public interest, an agreement or other transaction may be entered into by NASA which deviates from the requirements of this Subpart.

Appendix A—Provision Applicable to Shuttle Payload Users

1. *Definitions.* For purposes of this Agreement, the following definitions shall be applicable:

a. "Liability" shall include payments made pursuant to United States' treaty, any judgment by a court of competent jurisdiction, administrative and litigation costs, and, after consultation with the User, settlement payments.

b. "Damage" shall mean bodily injury to or death of any person, damage to or loss of any property, and loss of revenue or profits or other direct, indirect or consequential damages arising therefrom.

2. *Third-Party Liability.* a. The User shall obtain, at no cost to NASA, insurance protecting the User, the United States Government and, to the extent the United States Government is liable to reimburse them for costs they incur for Liability, the United States Government's contractors and subcontractors from any third party Liability for Damage arising out of the performance of this Agreement during the "Risk Period" (as defined herein).

(1) The "Risk Period" for the User begins at the start of the physical attachment by bolt or other device of the Payload to the Orbiter.

(2) The "Risk Period" for the user ends after launch of a Payload upon the landing on the particular orbiter without causing damage to third parties or, if a Payload is Jettisoned, when the Payload impacts the Earth without causing damage to third parties, whichever occurs last. If third parties are damaged, the "Risks Period" end immediately after all such damage occurs.

(3) The "Risks Period" for the user ends prior to launch of a payload upon completion of removal of the payload from the orbiter for any reason and shall begin again upon start of physical attachment as described in subparagraph 2a(1) above.

b. The user shall obtain, at no cost to NASA insurance protecting the user, the United States Government and, to the extent the United States Government is liable to reimburse them for costs they incur for liability, the United States Government's contractors and subcontractors from any third-party liability for any damage resulting from a deployable payload element following deployment. A payload which remains tethered to the orbiter shall not be considered to have been deployed.

c. The insurance policy may take into account the agreement by NASA, the user and other identified persons, in paragraph 3 below, not to make a claim for damage under the conditions described therein. The policy may exclude from coverage the liability of an insured to the insured's own employee. The insurance policy shall provide for the right of the United States Government to settle reasonably a claim for damage after consultation with the user.

d. The amount of insurance and the terms and conditions of such insurance to be purchased pursuant to this paragraph 2 shall be agreed to by the user and NASA in view of the insurance available in the world market at a reasonable premium. Notwithstanding such agreement by NASA, the user shall have the responsibility to meet the requirements in subparagraphs 2a and 2b above. Such insurance shall not be required in an amount in excess of $500 million dollars (U.S.). The user shall provide to NASA a copy of the executed insurance policy (or policies), or other evidence thereof satisfactory to NASA, within a reasonable time before the Firm Launch Date.

e. (1) Under section 308 of the National Aeronautics and Space Act of 1958, as amended by Pub. L. 96–48, for purposes solely of subparagraph 2a above, if NASA determines that it is not feasible for the user to obtain insurance, or if NASA determines that the user is unable to obtain adequate insurance, NASA may provide the User Insurance and/or indemnification for a reasonable fee to be agreed upon by the user and NASA.

(2) Under section 308, NASA agrees to idemnify the User, at no additional cost, for Liability incurred by the User solely under subparagraph 2a above, but only to the extent it is in excess of the amount of insurance purchased by or provided to the User. For purposes of this subparagraph 2e(2), "Liability" shall not include payments made by a User:

(a) Which are within the deductible amounts of the User's insurance policy, or

(b) To the User's contractor or subcontractor for Liability incurred by that contractor or subcontractor, or

(c) As settlement payments, unless such payments are agreed to by the United States Government.

(3) No payment shall be made by the United States Government under this subparagraph 2e unless the NASA Administrator or Administration's designee certifies that the amount is just and reasonable.

(4) The User shall (i) promptly notify the General Counsel of NASA of any claim or suit against the User for the death, bodily injury, or loss of or damage to property which reasonably may be expected to involve indemnification under this subparagraph 2e, (ii) furnish evidence or proof of any claim, suit or Damage covered by this subparagraph 2e in the manner and form required by the United States Government and (iii) immediately furnish to the United States Government copies of all pertinent papers to such claim or suit received by the User.

(5) The United States Government, at its election, may control or assist in the settlement or defense of any such claim or suit. The United States Government may discharge its obligation under this subparagraph 2e by making payments to the User or directly to persons to whom the User may be liable.

Appendix B—Provision Applicable to NASA Contractors Providing Payload Specialists for Shuttle

1. *Definitions.* For purposes of this provision, the following definitions shall be applicable:

a. "Liability" shall include payments made pursuant to United States' treaty, any judgment by a court of competent jurisdiction, administrative and litigation costs, and, after consultation with the User, settlement payments.

b. "Damage" shall mean bodily injury to or death of any person, damage to or loss of any property, and loss of revenue or profits or other direct, indirect or consequential damages arising therefrom.

c. The "User" is the contractor who is to provide under this contract a person to be flown on the Shuttle as a Payload Specialist.

2. *Indemnification for Third Party Liability.* a. (1) Under section 308 of the National Aeronautics and Space Act of 1958, as amended by Pub. L. 96–48, NASA agrees to indemnify the User for Liability incurred by the User for Damage resulting from activities carried on under this contract in connection with the launch, operations and recovery of the Shuttle, but only to the extent it is in excess of the amount of insurance purchased by the User. For the purposes of this subparagraph 2a(1) "Liability" shall not include payments made by a User:

(a) which are within the deductible amounts of the User's insurance policy, or

(b) to the User's contractor or subcontractor for Liability incurred by that contractor or subcontractor, or

(c) as settlement payments, unless such payments are agreed to by the United States Government.

(2) No payment shall be made by the United States Government under this subparagraph 2a unless the NASA Administrator or the Administrator's designee certifies that the amount is just and reasonable.

(3) The User shall (i) promptly notify the General Counsel of NASA of any claim or suit against the User for the death, bodily injury, or loss of or damage to property which reasonably may be expected to involve indemnification under this subparagraph 2a, (ii) furnish evidence or proof of any claim, suit or Damage covered by this subparagraph 2a in the manner and form required by the United States Government and (iii) immediately furnish to the United States Government copies of all pertinent papers to such claim or suit received by the User.

(4) The United States Government, at its election, may control or assist in the

settlement or defense of any such claim or suit. The United States Government may discharge its obligation under this subparagraph 2a by making payments to the User or directly to persons to whom the User may be liable.

Robert A. Frosch,

Administrator.

[FR Doc. 80-35057 Filed 11-7-80; 8:45 am]

BILLING CODE 7510-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9132]

Central Florida Electrical Bid Depository, Inc., et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Winter Park, Fla. corporation operating a non-profit electrical bid depository service, and nine individuals to cease engaging in any course of action, conspiracy or agreement which has the purpose or effect of fixing, maintaining, stabilizing, or tampering with the price of electrical contracting services, including: encouraging or requiring members or signatories to exchange relevant bid information prior to bid opening time; barring them from negotiating or submitting bids after the bid filing deadline; requiring them to function exclusively through the bid depository; and penalizing those who fail to do so. Further, previously suspended recalcitrants would have to be reinstated, and the corporation would have to promptly amend its rules and regulations so as to conform with the terms of the order.

DATE: Comments must be received on or before January 9, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. (202) 523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[Docket No. 9132]

Central Florida Electrical Bid Depository, Inc., et al; Agreement Containing Consent Order to Cease and Desist

Consent

The agreement herein, by and between The Central Florida Electrical Bid Depository, Inc., a corporation, by its duly authorized officer, and David Perry, Robert Behe, Larry Poirier, Fred Newton, individually and as officers and directors of said corporation, and Charles Mayo, Helmuth Eidel, Donald Burchnell, Patrick Kelly, and Lynn Harden, individually and as directors of said corporation, hereinafter sometimes referred to as respondents, and their attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent The Central Florida Electrical Bid Depository, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Florida, with it office and principal place of business located at 707 Nicolet Avenue, Winter Park, Florida 32789.

Respondents David Perry, Robert Bene, Larry Poirier, and Fred Newton are officers and directors of said corporation. Respondents Charles Mayo, Helmuth Eidel, Donald Burchnell, Patrick Kelly and Lynn Harden are directors of said corporation. They formulate, direct and control the policies, acts and practices of said corporation, and their address is the same as that of said corporation.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violation of section 5 of the Federal Trade Commission Act, as amended and have filed an answer to said complaint denying said charges.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with related materials pursuant to Rule 3.25(f), will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' address as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, respresentation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

8. Respondents have read the complaint and the order contemplated

hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

It is ordered, That respondents The Central Florida Electrical Bid Depository, Inc., a corporation, its successors and assigns, the officers and directors, David Perry, Robert Behe, Larry Poirier, and Fred Newton, individually and as officers and directors of said corporation, and Charles Mayo, Helmuth Eidel, Donald Burchnell, Patrick Kelly, and Lynn Harden, individually and as directors of said corporation, and respondents' agents, representatives and employees, directly or indirectly, or through any corporate or other device, or through any member of or signatory to its bid depository, in connection with the receipt, solicitation, use, submission or transmission of bids or estimates which are, or may be, employed in the awarding of building construction contracts and subcontracts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any course of action, conspiracy, undertaking or agreement:

(1) Which requires or provides that electrical contractors using the services of a depository are prohibited from (a) negotiating, after the deadline for the filing or deposit of bids with the depository, with general contractors using the services of the depository; or (b) submitting further bids to such general contractors after the deadline for the filing or deposit of bids with the depository; or (c) accepting a contract at a price other than the price submitted by such electrical contractors through the depository prior to the deadline for the filing or deposit of bids;

(2) Which requires or provides that the general contractors using the services of a bid depository are prohibited from (a) negotiating, after the deadline for the filing or deposit of bids with the depository, with electrical contractors using the services of the depository; or (b) attempting to obtain or obtaining further offers to perform jobs for which bids were taken through the depository; or (c) awarding contracts to electrical contractors at prices other than those submitted through the depository prior to the deadline for the filing or deposit of bids;

(3) Which requires or encourages the exchange, prior to bid opening time, among, member electrical contractors of the names, addresses or other identifying information with respect to those member electrical contractors who register or otherwise express their intent to bid on a project, or provides for the disclosure to any member or participant in the depository of the name, address, or other identifying information with respect to any subcontractor who expresses an intent to bid and requests confidentiality for such information prior to the opening of bids by those companies, firms, or individuals to whom bids are submitted;

(4) Which encourages, provides for or requires the registration of or exchange of information among member electrical contractors with respect to any job which is the subject of negotiation between member electrical contractors and companies, firms, or individuals engaged in general contracting;

(5) Which requires or provides that any work which is the subject of negotiation between any general contractor and one or more electrical contractors and has been registered by two or more electrical contractors is automatically required to be bid through a depository;

(6) Which requires or provides that any member, signatory, company, firm or individual that uses a bid depository operated by one or more of the respondents with respect to any specific job shall receive or solicit bids from, or submit bids to, only those companies, firms or individuals that are using the services of the depository with respect to that job;

(7)(a) Which subjects any member, signatory, company, firm or individual using a bid depository to submit bids in connection with any specific job, to suspension from the use of the bid depository or to a fine, penalty or any other sanction, or threat of sanction, for submitting any bid to any company, firm or individual that is not a member of or signatory to the bid depository or that is not using the bid depository with respect to that job;

(b) Which subjects any member, signatory, company, firm or individual using a bid depository to solicit or receive any bids in connection with any specific job, to suspension from the use of the bid depository or to a fine, penalty or any other sanction, or threat of sanction, for soliciting or receiving any bid from any company, firm or individual that is not a member of or signatory to the bid depository or is not using the bid depository with respect to that job; or,

(c) Which subjects any member, signatory, company firm or individual using a bid depository to solicit or receive any bids in connection with any specific job, to suspension from the use of the bid depository or to a fine, penalty or any other sanction, or threat thereof, for awarding any contract based upon any bid received from any company, firm or individual that did not use the bid depository with respect to that job;

(8) Which requires or provides that any member, signatory, company, firm, or individual that in any fashion uses a bid depository operated by one or more of the respondents shall receive or solicit bids from, or submit bids to, only those companies, frims or individuals that are also members, signatories or participants in said bid depository;

(9)(a) Which suspends from participation in a bid depository, or fines or imposes any other sanction or threat of sanction upon any member, signatory, company, firm or individual that submits any bid in any fashion to any company, firm or individual that is not a member of or signatory to said bid depository, or that does not employ or use said bid depository.

(b) Which suspends from participation in a bid depository, or fines or imposes any other sanction or threat of sanction upon any member, signatory, company, firm or individual that receives or solicits any bid in any fashion from any company, firm or individual that is not a member of or signatory to said bid depository, or that does not employ or use said bid depository;

(c) Which suspends from participation in a bid depository, or fines or imposes any other sanction or threat of sanction upon any member, signatory, company, firm or individual for awarding any contract based upon any bid received from any company, firm or individual that is not a member of or signatory to said bid depository or that does not employ or use said bid depository in connection with the particular job for which the contract was awarded; or,

(10) Which requires or provides for the circulation of any notice that any member or signatory of a bid depository operated by one or more of the respondents shall be, or has been, suspended or otherwise disciplined for violation of the rules and regulations of the bid depository.

(11) Which has the purpose or effect of fixing, maintaining, stabilizing, or tampering with the price of electrical contracting services.

It is further ordered, That respondents shall immediately reinstate any

company, firm, or individual suspended from participation in said depository, which suspension resulted from conduct engaged in by respondents, which hereafter would amount to a violation of this order.

It is further ordered, That respondents shall promptly amend the rules and regulations of the corpoorate respondent and all documents used by the corporate respondent in the operation of its bid depository so that such rules, regulations and documents are consistent with the terms of this order.

It is further ordered, That each individual respondent named herein promptly notify the Commission at such time as he may discontinue his affiliation with the corporate respondent, its successors or assigns. In addition, each individual respondent shall for a period of fifteen (15) years after the date of service of this order promptly notify the Commission of each new affiliation of himself as officer, director, employee or consultant with any corporation or association whose activities include the operation of a bid depository. Such notice shall include the respondent's business address at such corporation or association and a statement of the nature of the affiliation, as well as a description of the respondent's duties and responsibilities in connection with said affiliation.

It is further ordered, That respondent corporation shall within fifteen (15) days of the service of this order distribute a copy of this order to all individuals who are employees, officers and directors as of the time of service of this order and to all members, signatories, companies, firms of individuals that have participated in said bid depository at any time prior to service of this order. Furthermore, respondent corporation shall within (15) days of the date that individuals, companies, or firms become affiliated with, or commence participation in such bid depository, its successors or assigns, distribute a copy of this order to all such new employees, officers and directors who become affiliated with the bid depository, its successors or assigns, and to all such new members, signatories, companies, firms or individuals that begin participation in the bid depository, its successors or assigns.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order or at least thirty (30) days prior to the formation by or with the participation of any respondent of any other corporation or organization which conducts the business of a bid depository.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from The Central Florida Electrical Bid Depository, Inc., and nine individuals who were named individually and as officers and directors of the corporation which operated the bid depository. Four of the nine individuals were both officers and directors of the corporation operating the bid depository. These four were David Perry, Robert Behe, Larry Poirier, and Fred Newton. The remaining five individually named parties to the order were directors of the corporation operating the bid depository. These five were Charles Mayo, Helmuth Eidel, Donald Burchnell, Patrick Kelly and Lynn Harden.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charges violation of the Federal Trade Commission Act through the operation of a bid depository whose rules allegedly tampered with price, facilitated price-fixing and created a group boycott in the electrical contracting industry in Central Florida.

The complaint alleges that prices were tampered with by rules restricting the practices of "bid shopping" and "bid peddling." "Bid shopping" is the practice of general contractors seeking to obtain further offers at prices lower than those submitted to them in response to an invitation for bids. "Bid peddling" is the practice of subcontractors (such as the electrical contractors in this case) offering to do work for general contractors at prices lower than those submitted by themselves or others to general contractors in response to an invitation to bid on a job.

The rules allegedly facilitated price-fixing by causing the circulation among competitors of a list of all those persons registering an intent to bid on a job prior to the submission of bids and requiring that one of the bids submitted must be used by a general contractor taking bids. The circulation of the list of competitors intending to bid assured that competitors knew the names of all persons who were committing themselves to comply with the depository's alleged rules against bid shopping and bid peddling and who might join in any consensus agreement to fix prices or allocate jobs. A second rule provision allegedly facilitated price-tampering by requiring that private negotiations between general contractors and electrical contractors be registered with the depository. The negotiation requirement was supplemented by a provision that a registration by two electrical contractors required the job to be bid through the depository and, thus, subjected to the alleged restrictions on "bid shopping" and "bid peddling."

The complaint further alleges that the rules created a group boycott by requiring that general contractors bidding through the depository must award a contract to one of the electrical subcontractors who bid through the depository at the price submitted. This rule allegedly operated as an agreement among general contractors not to take bids from electrical contractors who wanted to place bids without going through the depository and complying with depository rules against "bid shopping" or "bid peddling." Conversely, electrical contractors using the depository to place bids for a job allegedly agreed through the operation of this rule to boycott general contractors not using the depository on that job.

The proposed order requires that all the allegedly anti-competitive practices described above be discontinued permanently by the corporation operating the depository, any successors to that corporation and all the nine individuals named in the order.

The effect of the acceptance of the

order should be to increase price competition in the electrical contracting business in Central Florida, thereby lowering the prices to be charged for such electrical contracting services.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify in any way their terms.

Carol M. Thomas

Secretary.

[FR Doc. 80-34973 Filed 11-7-80; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34-17265; File No. S7-851]

FOCUS Reporting System; Requirements for Financial Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On September 9, 1980, (45 FR 62092, September 18, 1980) the Commission published for comment proposed amendments to Form X-17A-5, the Financial and Operational Combined Uniform Single ("FOCUS") Report, and Rule 17a-5 under the Securities Exchange Act of 1934. In Release No. 34-17213, October 14, 1980, the period for public comment was extended until October 31, 1980. The Commission is further extending the period for submitting comments until November 30, 1980.

DATE: Comments must be received on or before November 30, 1980.

ADDRESSES: All comments should be directed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-851 and will be available for inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW. Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James G. Moody, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272-2370; or William J. Atkinson, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, Washington, D.C. 20549 (202) 523-5493.

SUPPLEMENTARY INFORMATION: On September 9, 1980, the Commission published for comment Proposed Amendments to Part I, Part II, and Part IIA of Form X-17A-5 (17 CFR 249.617), the Financial and Operational Combined Uniform Single ("FOCUS") Report and Rule 17a-5 (17 CFR 240.17a-5) under the Securities Exchange Act of 1934. The proposed amendments would revise the Form so as to clarify certain financial and operational reporting requirements of securities brokers and dealers, to require more detailed reporting of some items, and to eliminate or consolidate other items. Rule 17a-5 would be amended to require the filing of two copies of the annual audited report at the Commission's headquarters' office instead of the single copy now required.

Notice of the request for comments was given by Securities Exchange Act Release No. 34-17138 (September 9, 1980) and by publication in the **Federal Register** (45 FR 62092 (September 18, 1980)). Interested persons were invited to submit written comments prior to October 15, 1980. In release No. 34-17213, October 14, 1980; 45 FR 69248, October 20, 1980, the period for public comment was extended until October 31, 1980. Based on the comments received thus far, the Commission feels it would be in the public interest to further extend the comment period.

Accordingly, the Commission today has extended the period for the submission of written comments concerning the foregoing proposed amendments until November 30, 1980.

Finally, it is not expected that any changes in Part II of the FOCUS Report pursuant to Securities Exchange Act Release No. 17138 can be adopted before sometime in 1981. It is anticipated, however, that if any changes in Part II of the FOCUS Report are made in 1981, the first filing of the revised Part II would cover the period from January 1, 1981 to the date of the first Report and thus provide the income data necessary for monitoring. Firms will continue to file the current Part II in regular course until any revisions are adopted. All interested persons are invited to comment on the feasibility and impact of this implementation process, as well as the changes proposed in Release No. 17138.

Dated: October 31, 1980.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35053 Filed 11-7-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-21]

Regulations Implementing Alternative Fuel Price Ceilings for Incremental Pricing Under the Natural Gas Policy Act of 1978; Inquiry

November 4, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry.

SUMMARY: The Federal Energy Regulatory Commission is considering, and requests public comment on certain revisions to its rules on incremental pricing under the Natural Gas Policy Act of 1978 (15 U.S.C. 3301-3432). The revisions relate to the designation of incremental pricing regions and to the methodology for calculating alternative fuel price ceilings in those regions. The Commission requests comments from interested persons, accompanied by supporting data where possible, to assist it in formulating specific proposals for improvements to the data collection system and the price ceiling computation procedures.

DATES: Informal technical conferences to discuss the issues raised in this notice are scheduled to be held in Kansas City, Missouri on Friday, November 21, 1980, and in Washington, D.C. on Monday, November 24, 1980.

If sufficient interest is expressed by the public in holding additional conferences at other locations, the Commission will establish dates and locations for such conferences and make an announcement in the **Federal Register.** Written comments are due on or before December 5, 1980.

ADDRESSES: Written comments should be directed to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE.

Hearings will be held at the following locations:

Holiday Inn Tower, Lewis & Clark Room, 424 Minnesota Avenue, Kansas City, Missouri.

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Collette Bohatch, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8033;

Carol Lane, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE.,

Washington, D.C. 20426, (202) 357–8114;
Thomas P. Gross, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8077.

I. Background

The Federal Energy Regulatory Commission (Commission) is considering, and requests public comment on, certain revisions to its rules on incremental pricing (18 CFR Part 282) under the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). The revisions relate to the designation of incremental pricing regions and to the methodology for calculating alternative fuel price ceilings in those regions.

Section 201 of the NGPA requires the Commission to institute and administer, within certain guidelines, a federal incremental pricing program. The program is designed to pass through, by surcharge, to certain industrial facilities that use natural gas as a boiler fuel, a portion of the increases in the wellhead prices of natural gas allowed under Title I of the NGPA. Section 204 provides that the surcharge imposed on an industrial facility under the incremental pricing program may not raise the facility's cost of non-exempt natural gas above the alternative fuel price ceiling established by the Commission. Section 204 also directs the Commission to establish the price ceiling based on the cost of alternative fuel oils in each region designated by the Commission.[1]

On September 28, 1979, the Commission issued final regulations implementing sections 201 and 204 (Order Nos. 49, 50 and 51, Docket Nos. RM79–14 and RM79–21, 44 FR 57726, 57754 and 57778, October 5, 1979). Additional regulations were issued May 7, 1980 (Order No. 81, Docket No. RM79–21, 45 FR 31300, May 13, 1980). Generally, those regulations established a three-tier alternative fuel price ceiling (based on No. 2, low-sulfur No. 6, and high-sulfur No. 6 fuel oils) for each of the 48 contiguous states and for each of 31 metropolitan areas. However, as discussed below, the regulations were made effective only as they established a single-tier alternative fuel price ceiling (based on high-sulfur No. 6 fuel oil) for the 48 states, on a month-to-month basis.

Experience under these regulations indicates that improvements are possible in the determination of alternative fuel price ceilings, so that the published prices will more acurately reflect high-sulfur No. 6 fuel oil prices. In particular, the Commission is concerned that in some cases price ceilings have varied widely in neighboring states, raising questions about inequities and the possibility of fuel switching. On the basis of its observations and judgment at this time, the Commission believes that a reconfiguration of the regions would improve the correspondence between the alternative fuel price ceiling calculated for each region and the actual fuel price paid in that region. In addition, the Commission believes that an adjustment to the methodology for calculating the alternative fuel price ceilings may further improve the precision of the calculated price ceilings.

The revisions to the regulations being considered by the Commission do not reflect a change in policy; rather they are intended to carry out the commitment made in Order No. 50 to review the regions and methodology for calculating the alternative fuel price ceilings and to make technical changes and improvements in order to carry out the objectives of the incremental pricing program. The Commission requests comments from interested persons, accompanied by supporting data where possible, to assist it in formulating specific proposals for improvements to the data collection system and the price ceiling computation procedures.

Incremental Pricing Regions

A. Current Incremental Pricing Regions

Establishing the appropriate regions is critical to the effectiveness of the oil sales data collection and price publication system used to determine the alternative fuel cost. There are approximately 150 high-sulfur residual fuel oil suppliers from whom price data must be collected in order to calculate the alternative fuel price ceilings. The collection of customer-specific data for all of the customers of these suppliers is virtually impossible. Some system for collecting and aggregating these data and for publishing the calculated alternative fuel price ceilings is necessary. The issue is how to structure a data collection and price publication system that appropriately balances the need for a prompt and feasible data-collecting procedure and the need for publishing reasonably accurate price ceilings in order to achieve the statutory purposes within the statutory constraints.

In establishing the regions, the Commission used the following five criteria:

(1) The number of regions should be manageable from an administrative point of view;

(2) Each region should be such that prices charged to industrial end-users will be reasonably close to the average for the region;

(3) Each region should include enough oil users to obtain a statistically meaningful sample size upon which to determine the alternative fuel cost;

(4) The regions should be rationally related to industrial concentrations and fuel oil marketing areas; and

(5) The regions should be as closely aligned with political boundaries as possible.

The Commission initially considered three types of regions that would satisfy the five criteria listed above: (1) 48 contiguous states; (2) eight large multi-state regions; and (3) the eight large multi-state regions combined with the 31 metropolitan regions which have a population of one million or greater. The Commission finally adopted an approach which combined the first and third options: the 48 states combined with the 31 metropolitan regions. This approach would have required data collection and price publication for 79 separate regions. However, the Energy Information Administration (EIA) [2] anticipated that publication of price ceilings for metropolitan regions would be significantly more difficult than publication for states. It suggested that the Commission initially require that price ceilings be published only for the 48 states, in order to provide the EIA with additional time to perfect a system for developing ceiling prices for the metropolitan regions. The Commission agreed and, in Order No. 81, postponed the publication of prices for the 31 metropolitan areas until November 1, 1981.

The experience to date with the state regions demonstrates that some states have not had sufficient high-sulfur No. 6 oil sales for calculation of a realistic alternative fuel price.[3] If fewer than a

[1] The statute further provides that the appropriate alternative fuel cost for passthrough is the price paid for No. 2 fuel oil in the region where the industrial facility is located, unless the Commission determines that using the price for No. 2 fuel oil could cause the loss of industrial load such that an increase in rates to high-priority gas users would result. To prevent such load loss, the NGPA permits the Commission to reduce the alternative fuel ceiling to a level not lower than the price of No. 6 fuel oil.

[2] Under the current regulations, the data collection is performed by the Energy Information Administration of the Department of Energy, in accordance with general policies established by the Commission.

[3] In statistical terms, this problem is known as "sampling error". In most situations the straightforward remedy is merely to increase the size of the sample. However, the EIA states that the present sample comprises the universe and that there are no transactions not observed. Expansion of the sample is therefore not possible in the usual sense. Reduction of the sampling error can be

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certain number of sellers reported oil sales, or if a single seller captured more than a certain fraction of the market in a state, the EIA did not publish a price ceiling based solely on the state data because proprietary oil price information might have been revealed. Instead, the EIA referred to the multi-state regions established in Order No. 50 in determining the price ceiling for that state. Using this procedure, the price ceilings for such states have been determined sometimes by the state data and at other times by multi-state data, leading to month-to-month price instability. To correct this fluctuation, the EIA adopted the use of three-month rolling average for oil prices. This technique has been effective in removing some month-to-month instability, but has not resolved the problem entirely.

A related problem regarding state regions is the price disparity among neighboring states. This disparity increases the possibility of industrials switching from gas to oil purchased in a nearby state. Even without any fuel switching, there remains an equity problem where industrial gas customers in neighboring states are paying widely varying prices for the same service.

Three states in particular have emerged with consistantly higher prices than their neighbors: Kentucky, South Dakota, and Oregon. From time to time certain other states experience this disparity with neighboring states. For example, in September 1980, a difference of 64 cents in alternative fuel price ceilings developed between Kansas and Colorado, and a difference of 96 cents between Idaho and Wyoming. Louisiana has recently developed a pattern of relatively low prices. In September, 1980, the Louisiana price ceiling was 87 cents less than Texas, 76 cents less than Mississippi and $1.07 less than Arkansas.

B. Proposed Revision of Regions By Grouping States

Based on experience to date, the Commission believes it might be appropriate to reconfigure the regions by grouping states in order to reduce the problems related to inadequate data in individual states. Price variations at state borders could be reduced by merging adjacent states with a similar history of average oil prices.[4] Ideally, a state with a history of high alternative fuel price ceilings and inadequate data should be grouped with an adjacent state with a history of adequate data and lower price ceilings.

Preliminary discussions with the EIA have indicated that the following reconfiguration of the state regions may eliminate problems resulting from inadequate data:

(1) Maine, New Hampshire, and Vermont;

(2) Massachusetts, Rhode Island, and Connecticut;

(3) New York;

(4) Pennsylvania;

(5) New Jersey;

(6) Delaware and Maryland;

(7) Virginia and North Carolina;

(8) South Carolina, Georgia, and Florida;

(9) Alabama and Mississippi;

(10) Tennessee, Kentucky, Ohio, Indiana, and West Virginia;

(11) Illinois, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota;

(12) Iowa, Missouri, Oklahoma, Kansas, Nebraska, and Colorado;

(13) Louisiana and Arkansas;

(14) Texas and New Mexico;

(15) California, Arizona, Nevada, and Utah;

(16) Wyoming, Montana, Oregon, Washington, and Idaho.

The Commission preliminarily suggests these 16 regions as the new incremental pricing regions. Under this approach, a single price would be published for each of these regions.

Before converting this concept into a specific proposal, the Commission requests the public to assist in a careful review of the need for a revision of the present state regions and the structure any such revision should take. This review should focus on oil sales volumes, prices, and decrement procedures on a state-by-state basis. The Commission is concerned that a grouping strategy, if not carefully implemented, may tent to "smooth out" low prices as well as high prices and lead to load loss in the affected states. There is also a possibility that large groupings of states may lead to large price differences at group boundaries, and that grouping of states may ultimately lead to a uniform national price, a result the Commission believes is undesirable.

The Commission requests comment from the public on how, if at all, states should be grouped for ceiling price determinations. The Commission believes that the questions listed at the end of this notice will help to focus comments on the issues the Commission believes are important for reconfiguring the regions. Comments and suggestions need not, however, be limited to these questions.

C. Proposed Elimination of Metropolitan Regions

The experience to date with the present data collection and price publication system used on a state-by-state basis has convinced the EIA that publication of prices for high-sulfur No. 6 fuel oil is not feasible for metropolitan regions, because such regions do not include enough oil users to obtain a statistically meaningful sample size. The Commission proposes to eliminate the 31 metropolitan regions. The public is urged to respond to the pertinent questions listed at the end of this notice regarding this proposal.

D. Proposed Revision or Elimination of Multi-state Regions

In the first Notice of Proposed Rulemaking in this docket, the Commission proposed to establish incremental price ceilings for eight large multi-state regions that were derived by modifying various regional divisions used by the Bureau of Census, the Department of Energy and others to take into account energy production, distribution, and sales patterns.

Public comment was generally critical of the proposed approach. Many commenters expressed the view that the multi-state regions were too large. The Commission took this into consideration and acted to require publication of price ceilings by states. The multi-state regions were not discarded for all purposes, however. The EIA is presently using them in several ways: (1) The current standard deviation approach is based on multi-state region standard deviations; (2) the multi-state regional data are factored into the rolling average whenever a state reports no data for a given month, and (3) the present lag adjustment is computed for four large geographic regions which are based on aggregations of the eight multi-state regions.

The opportunity now exists to reconsider the use of these eight multi-state regions. Multi-state regions may not be necessary if a new ceiling price computation methodology is adopted. As discussed below, the Commission is

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achieved through several techniques that act to expand the quantity of data relied upon for each monthly computation, while not actually expanding the sample. Grouping of states is an example of such a technique. Other possible strategies serve to expand the sample by including new sources of data in the ceiling price computation. Use of price data for No. 2 or low-sulfur No. 6 fuel oil falls into this latter category.

[4] Such grouping of states should be viewed as distinct from re-arrangements of the multi-state regions. In eliminating inequities resulting from use of the state regions, the Commission recognizes that some states may have to be split. Although the commission will consider this approach, it is concerned that the difficulties may outweigh the benefits.

considering abandoning the two standard deviation approach in favor of a cumulative decrement approach. States with inadequate data would be grouped with neighboring states to form new incremental pricing regions, and a single price would be published for each such group of states. The lag adjustment factor, as presently structured, would not necessarily be affected by changes in the regions. Such modifications would appear to eliminate the need for the eight multi-state regions.

If, however, grouping of states and the cumulative decrement approach were not adopted, it may be necessary to retain the multi-state regions. If the multi-state regions were retained, the Commission would propose to move Kansas from Region E to Region F. Other states might be proposed to be moved from one region to another based on comments filed in this inquiry.

The Commission solicits comments on a proposal to eliminate usage of the multi-state regions for the various computational purposes described above. It especially solicits comments from those who favor retaining such regions for computing a standard deviation decrement, and those who prefer not to group states with inadequate data.

III. Proposed Methodology for Calculation of the Alternative Fuel Price Ceilings

A. Current Methodology

As stated above, the data collection system is critical to the calculation of the alternative fuel price ceilings which are published region-by-region. Under the current methodology, the EIA collects the oil sales data and performs a series of calculations to determine the alternative fuel price ceilings. The data are aggregated region-by-region to derive an average price, weighted by volume, for each region. Each weighted average price is adjusted downward from the mean by two standard deviations,[5] calculated on the basis of data from a multi-State region, to establish an alternative fuel price ceiling for each incremental pricing region. In the event the ceiling price is lower than the lowest reported price for the period, the lowest reported price would be the ceiling price. This methodology is referred to as the "two standard deviation" approach.

A downward adjustment of the weighted average price is necessary, as noted above, because industrial facilities that could purchase oil for a price below the weighted average would probably switch to oil if the ceiling price were set at the weighted average. Such load loss for pipelines would necessitate shifting of piepline-fixed costs from low-priority industrial customers to high-priority customers, thereby undermining the purposes of Title II of the NGPA.

The two standard deviation approach was initially proposed by the Commission because it appeared to provide a method for setting a ceiling price that would be close to the price paid by those industrial users with access to favorably priced sources of supply. The procedure also seemed to have the advantage of minimizing the probability of setting the price based on some atypical sale at a price far below the market or at a price that might be manipulated in order to establish a low ceiling price.

The two standard deviation approach, however, assumes that the oil sales data collected are distributed according to a normal or "bell" shaped curve. Assuming normal distribution, setting the alternative fuel price at two standard deviations from the weighted average allows 2.5 percent of all fuel oil sales to be priced below the ceiling.

The Commission recognized that the fuel oil sales data might not form a normal, "bell" shaped curve, but, due to the nature of the fuel oil market, is likely to be skewed to the right (towards higher prices) and to end abruptly on the left (at lower prices). If the curve were skewed to the right, then two standard deviations lower than the mean would result in an alternative fuel price ceiling below the lowest oil sales price reported. Therefore, the Commission proposed a price ceiling set at the greater of (1) the weighted average price adjusted downward by two standard deviations, or (2) the lowest observed price.[6] At the time the program was implemented, the Commission stated that it would consider altering the two standard deviation approach as subsequent experience indicated.

The drawbacks of the two standard deviation technique [7] were explored in many written comments and oral presentations made to the Commission. After balancing the advantages and disadvantages of alternative techniques and the two standard deviation technique, the Commission concluded that the latter would result in the most accurate calculation of alternative fuel price ceilings.

The Commission issued final regulations, again expressing its preference for the two standard deviation approach, although the final rule did not implement a specific methodology for collecting data and generating price ceilings. The Commission decided to provide the EIA with flexibility in order that it might periodically adjust the data collection and analysis techniques. Even though the EIA had this flexibility from the beginning of the program, it decided to use the two standard deviation approach.[8]

After nine months of operating under the two standard deviation approach, the Commission believes that revisions to the method used for computing the price ceilings should be considered. One reason for such consideration is the variation from month-to-month of the published price ceilings.[9] Informal studies by the Commission staff indicate that the month-to-month price variation may be caused by the two standard deviation approach. In the first six months of the incremental pricing program, price ceilings were equal to the lowest reported State price in nearly 85 percent of all cases. Use of the lowest reported prices for determining the ceiling price is undesirable not only because month-to-month instability may result, but also because this practice effectively reduces the surcharge and passthrough of gas acquisition costs to

[5] A standard deviation is a statistical measure of the degree of dispersion or scatter in a sample of data which has been gathered at random. The greater the degree of dispersion, the greater the value of the standard deviation. The probability that any single observation in a large set of randomly selected observations will lie far from the average is mathematically described in terms of the standard deviation. For example, if a random variable is distributed according to a "bell" shaped curve, approximately 68 percent of all observations will differ from the average by less than one standard deviation. Approximately 95 percent of the observations will differ from the average by less than two standard deviations. In this latter case, generally half of the outlying observations, or about 2.5 percent of the total, will be on the low side. Thus, while 50 percent of all observations can be expected to be lower than the average, only about 2.5 percent can be expected to be lower than the average minus two standard deviations.

[6] Under the three month rolling average method, the "lowest price" which is compared to the decremented mean is an average of the lowest prices for the three months in the rolling average. The first two months' data are adjusted statistically to reflect price trends.

[7] One disadvantage to the two standard deviation technique is that it is a statistical technique unfamiliar to many in the oil and gas markets. Another disadvantage is that it is a more difficult concept than other techniques which use a fixed-percent decrement or the lowest reported price.

[8] The standard deviations used by the EIA have been computed from multi-State region rather than State data.

[9] Although some of the observed variation is probably due to the dynamic nature of oil markets, there remains a legitimate concern that much of the variation is due to faulty specification of the ceiling price algorithm. The current procedure used by the EIA is based on a three month rolling average and was selected largely for reasons of stability from month-to-month. Despite this procedure, one round of ceiling price publications produced price increases of nearly 60 cents per MMBtu in certain States such as Idaho and Texas.

nonexempt industrial users.[10] Accordingly, some of the hoped-for advantages of the two standard deviation approach are not being realized.

B. The Proposed Revised Methodology

The Commission now proposes to adopt a modification of an approach previously suggested in this docket by the California Public Utilities Commission (California), and referred to as the "cumulative decrement approach." Under the California proposal all observed sale volumes of high-sulfur No. 6 fuel oil would be ranked in ascending order by price. The point below which 2.5 percent of the observed volumes occurred would determine the alternative fuel price ceiling. Thus, no more than 2.5 percent of the observed oil sales volumes would have been sold at a price below the derived price ceiling.

Staff observations indicate that the 2.5 percent recommended by California would have resulted in the lowest reported price setting the published price ceilings in 73 percent of all cases thus far.[11] The Commission believes this result would be unsatisfactory but could be corrected by increasing the percent cut-off point.

If properly structured, the cumulative decrement approach could nevertheless mitigate the instability problem which presently exists with the standard deviation approach if the percentage could be set so that the ceiling price would be above the lowest reported price in most cases. It is essential to structure the procedure so that a single reported transaction will seldom determine the published ceiling, *i.e.*, a transaction in which the volume of fuel oil equaled or exceeded the referenced percentage of volume (2.5 percent under the California approach) and such transaction was made at the lowest reported price. Therefore, the Commission is considering a cumulative decrement approach using 7.5 percent (rather than 2.5 percent) to alleviate the problem of the routine coincidence of the ceiling price and the lowest reported price. Under this method, the Commission expects the lowest price to set the ceiling price in less than half of all cases. The Commission solicits public comment on this proposed approach and specifically requests the public to respond to the questions at the end of this notice.

Although the Commission is considering adoption of the cumulative decrement approach, it recognizes that at least the following methodologies are also available: (1) The fixed percentage decrement; (2) the fixed cost decrement; and (3) the use of the mean (*i.e.*, no decrement). Commentator are invited to address these alternate methodologies.

C. The Lag Adjustment Factor

A further issue related to the collection of the oil sales data is the lag time between the reporting of oil sales prices and the date the alternative fuel prices are effective. Commentators have stated previously in this docket that the major problem created by the EIA's data collection procedures is the two-month lag.[12] In response to these comments, the Commission recommended that the EIA develop a lag adjustment factor based on current oil prices, which would be used to adjust the price ceilings for the lag between data collection and publication of price ceilings.

The lag adjustment factor developed by the EIA tracks trends in oil prices derived from data not subject to the time lag.[13] The factor is calculated by multiplying the price ceiling data collected by the EIA by the ratio of currently posted oil prices to posted prices from the previous two months.[14] The Commission realizes that there may be better methodologies for compensating for future price perturbations.[15] Although it does not now propose a change, the Commission will entertain comments from the public on alternative methodologies, including the currently used methodology.

D. Possible Data Expansion Method

The Commission previously considered, but did not adopt, expansion of the alternative fuel data base by including data for sales of low-sulfur No. 6 and No. 2 fuel oil. If there is a co-variant relationship between the prices of these fuels and the price of high-sulfur No. 6 fuel oil, and if there are sufficient sales, a price for high-sulfur No. 6 fuel oil could be extrapolated from these data. The Commission requests comment on this methodology.

E. Possible "Fail-Safe" Method

The Commission has received comments on the interim rule issued in Docket No. RM80-46 (Rule Adopting Revised Alternative Fuel Price Ceilings for the Month of April 1980, issued March 28, 1980) concerning a "fail-safe" method of determining alternative fuel price ceilings. This method would operate to allow a non-exempt user to reduce the surcharge that would otherwise be based on the EIA-determined price ceilings, if such user could certify to the Commission that a lower alternative fuel price is available to his facility.

The Commission considered but declined to adopt this approach in Order No. 50. However, in the context of this inquiry, the Commission is again prepared to receive comments on whether the evidence to date indicates that a "fail-safe" method should be adopted.

IV. Summary

The Commission believes that the proposed changes would improve the incremental pricing methodologies. However, it may be desirable to retain the current methodologies, or there may be superior changes that the Commission should consider. The

[10] Reliance on the lowest price also opens the possibility of price manipulation.

[11] There is a circumstance in which under the cumulative decrement approach the ceiling price would be the lowest reported price. A single, industrial sale could easily comprise the lowest-priced two percent of the total volumes observed in a given region. This two percent would be ignored in setting the ceiling price by the cumulative decrement (97.5 percent) approach. Only the next one-half percent would matter. But if in a subsequent month, an industrial facility purchased three percent of the total volumes observed this single sale would determine the ceiling price. If this sale happened to be at a low price, the resulting ceiling price could drop dramatically from the previous month. Thus, a cumulative decrement could lead to the ceiling price fluctuating erratically, depending on slight changes in a single sale. There is also concern that since only the sale price of the lowest two and one-half percent of volumes would be considered in determining a ceiling price, a single customer purchasing two and half-percent of the volumes could manipulate the ceiling price.

[12] Under the originally proposed collection procedures, April fuel oil prices would form the basis for ceilings for July. By then, however, industrial customers might be able to purchase fuel oil at a lower price, in which case they would be likely to switch to oil. In addition to the seasonal fluctuation in price, oil prices can fluctuate dramatically at any time of the year due to changes in international markets.

[13] Posted oil prices are used for computing the lag adjustment factor. Platt's Oilgram is used as the source of posted price data. EIA data or EIA publications cannot be used for obtaining posted prices because the data obtained from them would be subject to the same time lag problems as the uncorrected ceiling price data. The prices found in Platt's Oilgram are given each trading day in the form of high and low prices for each oil product. The low price is used for determining the lag adjustment factor.

[14] This factor is an estimate of the increase or decrease in residual oil prices. Lag factors are computed for four regions of the country rather than two, as suggested in the preamble to Order No. 50. The oil price data are weighted by volume in deriving the adjustment. Low-sulfur oil prices are incorporated into the factor as necessary, but these data are first independently adjusted to reflect oil sales of a uniform sulfur content. Finally the EIA has experimented with the number of days of posted price data used to derive the lag adjustment factor.

[15] Attempting to attain the second decimal place in fitting historical data may not ensure future success. Given the time and effort directed to this problem by the EIA, the Commission will refrain from proposing any specific alternatives at this time.

Commission, therefore, solicits proposals.

Insofar as the Commission will address the three-tier system at a later date, the Commission requests that all comments and proposals be limited to the single-tier system.

V. Questions for Public Comment

The Commission invites the public to assist the Commission in its effort to revise the incremental pricing regions and the methodology for calculating the alternative fuel price ceilings. Responses to the following questions, supported by data where appropriate, will give the Commission additional information upon which to base its decisions.

1. Certain states appear to have too few reporting sellers to provide sufficient data for a reliable sample. Should these states be grouped with other states to increase the sample size of oil sales? Should the proposed grouping set forth at p. 8 be adopted?

2. In order to increase the sample size of oil sales, should the Commission collect data on sales of low-sulfur No. 6 and No. 2 fuel oils? Are there significant industrial sales of these fuels? Is the relationship between the prices of these fuels and the price of high-sulfur No. 6 such that a stable price for high-sulfur No. 6 fuel oil could be extrapolated from the reported data?

3. EIA studies indicate that there are inadequate data to publish ceiling prices for the 31 metropolitan areas beginning on November 1, 1981. Should the metropolitan areas be eliminated from consideration as incremental pricing regions?

4. Should the eight multi-state regions be eliminated for all purposes? If not, for what purposes should they be used? If they are used, should certain states be moved from one region to another?

5. Should the Commission adopt a "fail-safe" method under which a non-exempt user could (a) certify to the Commission that a lower alternative fuel price than that published by the EIA is available to him, and (b) be surcharged only to the level of that lower certified price? How could the Commission verify the data upon which a "fail safe" approach would be based?

6. To what extent have the previous month-to-month fluctuations in the ceiling prices affected normal business operations?

7. By using the two standard deviation approach, about 2.5 percent of all fuel oil sales are priced below the ceiling price. Instability in the ceiling price arises when the lowest reported price is greater than the ceiling price. This instability could be eliminated by using less than two standard deviations. Should the Commission adopt a cumulative decrement approach which uses 7.5 percent of fuel oil sales priced below the ceiling price?

8. Another way of reducing month-to-month fluctuations would be to eliminate the rule that the ceiling price will be the lowest reported price if it is higher than the price set by the decremented mean. Would this be desirable? Is the Commission legally required by section 204(e)(2) of the NGPA to set a ceiling price not lower than the lowest reported oil sale price?

9. In considering alternative methodologies for determining the ceiling price, should the Commission give more consideration to adopting a methodology that minimizes fluctuations (both month-to-month and state-to-state) in the ceiling price or a methodology that carefully reflects actual oil prices regardless of fluctuations?

10. The Commission currently computes the lag adjustment factor from prices obtained from Platt's Oilgram. Are there better sources of data which could be used for a lag adjustment computation?

VI. Written Comment Procedures

Interested persons may comment on this Notice of Inquiry by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 5, 1980. Each person submitting a comment should indicate that the comments are being submitted in Docket No. RM79–21, and should give reasons, including any supporting data, for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning this docket may be addressed. An original and 14 copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commisison's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during normal business hours.

VII. Technical Conferences

The Commission staff will hold informal technical conferences in Kansas City, Missouri, on Friday, November 21, 1980, and in Washington, D.C., on Monday, November 24, 1980, to discuss the issues raised in this notice. If sufficient interest is expressed by the public in holding additional conferences at other locations, the Commission will establish dates and locations for such conferences and make an appropriate announcement in the **Federal Register.**

The technical conferences will utilize an informal, round-table format. The Commission hopes that technical personnel representing natural gas pipelines, distribution companies, and industrial end-users will attend the conferences and offer detailed information and recommendations to staff on the various issues raised in this Notice.

(Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3350, (15 U.S.C. 3301, *et seq.*))

By the direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35127 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

RAILROAD RETIREMENT BOARD

20 CFR Part 341

Statutory Lien Where Sickness Benefits Paid

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board proposes to amend Title 20, Chapter II, of the Code of Federal Regulations by adding a new Part 341, Statutory Lien Where Sickness Benefits Paid. Section 12(o) of the Railroad Unemployment Insurance Act provides that sickness benefits shall be payable to an individual for days of sickness regardless of the liability of any person for the infirmity for which the benefits are paid. However, that section also provides that the Board is to be reimbursed for the sickness benefits actually paid from any sum or damages paid or payable to the individual by reason of the infirmity.

The new Part 341 explains when a lien is established under section 12(o) of the Railroad Unemployment Insurance Act, how the amount of the lien is determined, what procedures must be followed by the Board in establishing the lien, and how the lien may be satisfied. In addition, the proposed regulations establish procedures to be followed by the Board in terminating sickness benefits where it has been reported to the Board that the beneficiary has recovered through settlement or judgment any sum or damages for the same injury or sickness for which sickness benefits under the Railroad Unemployment Insurance Act have been paid.

DATES: Comments must be submitted on or before January 9, 1981.

ADDRESS: Comments should be sent in duplicate to R. F. Butler, Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, where they will be made available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Walter Witkovich, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Room 600, Chicago, Illinois 60611, (312) 751–4810, (FTS 387–4810).

SUPPLEMENTARY INFORMATION: In accordance with the Board's report under Executive Order 12044, as amended, the Board's Chief Executive Officer reviewed the proposal and determined that these regulations would not constitute significant regulations under the criteria established in the Board's report. However, in the spirit of Executive Order 12044, as amended, the board has determined to issue the regulations first as proposed rules and allow the public a 60-day period to comment on the proposed rules.

Title 20, Chapter II, is amended as follows:

1. A new Part 341 is added to Subchapter C as follows:

PART 341—STATUTORY LIEN WHERE SICKNESS BENEFITS PAID

Sec.

341.1 Lien.
341.2 Sum or damages paid or payable.
341.3 Notice of lien.
341.4 Information required to be furnished by the employee.
341.5 Amount of reimbursement.
341.6 Report of settlement or judgment.
341.7 Liability on Board's claim.
341.8 Termination of sickness benefits due to a settlement.
341.9 Board as a party; attorney's fee.

Authority: Sec. 323, Pub. L. 79–572, 60 Stat. 740, 741 (45 U.S.C. 362(o)).

§ 341.1 Lien.

After notice in accord with this part, the Board shall have a lien upon any sum or damages paid or payable to an employee based upon an infirmity for which the employee received sickness benefits.

§ 341.2 Sum or damages paid or payable.

(a) The term "sum or damages paid or payable" means the amount of money that an employee recovers because of any claim of liability based upon his injury or illness.

(b) The term "sum or damages paid or payable" does not include:

(1) An amount specified in a settlement or award as payment for any loss of property, or the amount of a settlement or award specifically apportioned as pay for lost time.

(2) An amount paid as a result of a lawsuit based on wrongful death.

(3) Workers' compensation payments.

(4) "No-Fault" personal-injury protection benefits or any other benefits paid under a health, sickness, accident or similar insurance policy carried by an employee.

(5) Payments made to an employee under the terms of his insurance policy providing for payment of all amounts which the employee is legally entitled to recover for bodily injury from the owner or operator of an uninsured automobile.

§ 341.3 Notice of lien.

(a) *Notice to alleged tortfeasor.* The Board shall mail a "Notice of Lien" to each person or company identified as liable or potentially liable for causing the employee's infirmity. The "Notice of Lien" will notify the person or company of the Board's right to reimbursement. The notice shall include:

(1) The employee's name;

(2) The employee's address;

(3) The employee's social security account number;

(4) The date and place of the accident; and

(5) The employee's occupation, if injured on duty for his employing railroad.

(b) *Notice to employee.* A notice regarding repayment of sickness benefits shall be sent to an employee who names a party other than a railroad as the alleged tortfeasor.

(c) *Notice of amount of lien.* The amount of the Board's lien shall be reported, upon request, to a railroad or other person or company that may be liable for paying damages, or to the claimant, or to an attorney representing any of those parties. The amount of the lien shall be reported whether or not the terms of a settlement have been agreed upon. When requested, a list showing the sickness benefits paid for each claim period may be furnished.

§ 341.4 Information required to be furnished by the employee.

(a) On his application for sickness benefits or other form, an employee shall report the name and address of the person or company, if any, who is alleged to have caused his infirmity. The employee shall also provide whatever other details are reasonably needed so that the Board may establish its lien.

(b) The employee shall, upon request, tell the Board whether and from whom he has collected any damages for his infirmity.

§ 341.5 Amount of reimbursement.

(a) The Board shall receive as reimbursement the lesser of:

(1) The amount of sickness benefits paid to the employee for the infirmity for which he recovers any sum or damages; or

(2) The net amount of the sum or damages paid to him for the infirmity, after subtracting the amount of the expenses listed in paragraph (b) of this section.

(b) The expenses which may be subtracted from the amount of damages recovered are:

(1) The medical and hospital expenses that the employee incurred because of his injury. These expenses are deductible even if they are paid under an insurance policy covering him or are covered by his membership in a medical or hospital plan or association. But such expenses are not deductible if they are not covered by insurance or by membership in a medical or hospital plan or association and are consequently paid by a railroad or other person directly to the doctor, clinic or hospital that provided the medical care or services.

(2) The cost of litigation. This includes both the amount of the fee to which the attorney and the employee have agreed and the other expenses that the employee incurred in the conduct of the litigation itself.

§ 341.6 Report of settlement or judgment.

(a) When a person or company makes a settlement or must satisfy a judgment based on an injury for which the employee received sickness benefits, the person or company shall notify the Board of the settlement or judgment. That notice shall be in writing and submitted within five days of the settlement or judgment. That notification shall contain:

(1) The amount of the settlement or judgment;

(2) The date of the settlement or judgment; and

(3) The amount withheld from the settlement or judgment to satisfy the Board's lien.

(b) Payment of the amount due the Board shall be delivered to the Board within 30 days after the date of the settlement agreement or the entry of judgment.

(c) If the damages payable are to be paid directly to the court to satisfy a judgment, thus making it impossible for

the person or company to remit the amount of reimbursement due the Board, the person or company shall immediately notify the Board of the situation.

§ 341.7 Liability on Board's claim.

(a) A person or company paying any sum or damages to an employee who has received sickness benefits from the Board shall, upon receipt of notice as provided in § 341.3(a), be liable to the Board for the amount of reimbursement computed under § 341.5. This liability may be relieved by either:

(1) Withholding the amount reimbursable to the Board from the sum or damages payable to the employee, and subsequently paying that amount to the Board; or

(2) Including the United States Railroad Retirement Board as a payee on the check or draft along with the employee and any others who have an interest in the damages.

(b) If the person or company paying the damages does not protect the Board's lien or attempts to protect the Board's lien in some manner other than those described in paragraphs (a)(1) and (a)(2) of this section, that person or company shall remain liable to the Board until the Board is reimbursed in full.

§ 341.8 Termination of sickness benefits due to a settlement.

(a) Sickness benefits payable to an eligible employee shall be paid without regard to whether any person or company may be liable to him for causing his infirmity. However, the Board will terminate the payment of sickness benefits upon receipt of an oral or written report that a settlement or judgment for the infirmity has been made.

(b) A report of settlement shall be made to the Division of Claims Operations, Bureau of Unemployment and Sickness Insurance, and shall include the information required in § 341.6. Where the report is an oral report, and the informant is neither the employee nor his representative, the informant shall be told that written confirmation containing the information called for by § 341.6 must be submitted to the Board within five days from the date of the oral report.

(c) If, in the case of an oral report, the written confirmation as described in paragraph (b) of this section is not received within five days, the Division of Claims Operations shall take steps within five additional working days to verify whether there has been a settlement or judgment. If there has been no settlement or judgment, the payment of sickness benefits shall be reinstated.

(d) Within five days of the notification of a settlement or judgment, the Board shall inform the employees of the report of the settlement or judgment. The notice to the employee shall state how the employee may inform the Board that there has not been a settlement or judgment. If the employee states that there has not been a settlement or judgment, the adjudicating office shall, within 10 days after the receipt of such a statement, make a determination as to the employee's rights to future sickness benefits and shall notify him accordingly.

(e) An employee shall have the right to appeal from the determination of the amount of sickness benefits recoverable from the settlement or judgment. An employee shall also have the right to appeal the termination of his sickness benefits after the report of a settlement or judgment made in accordance with the procedures provided in paragraphs (b), (c) and (d) of this section. Such appeals shall be filed and processed in accordance with Part 320 of these regulations.

§ 341.9 Board as a party; attorney's fee.

(a) The Board shall not participate in the prosecution of a personal-injury claim of an employee eligible for sickness benefits and shall neither encourage nor discourage such employee with respect to the pursuit of a claim for damages.

(b) The Board shall not be a party in any action for damages brought by an employeee claiming sickness benefits under the Railroad Unemployment Insurance Act. The Board's right of reimbursement under section 12(o) of the Railroad Unemployment Insurance Act shall not be construed as giving the Board a right of subrogation or other cause of action for damages against an alleged tortfeasor. The Board shall intervene in such an action only when it is apparent that intervention may be required to protect its right of reimbursement.

(c) The Board shall not be liable for the payment of any attorney's fee or other expenses incurred in connection with such a claim for damages.

Dated: October 30, 1980.

By Authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 80-34946 Filed 11-7-80; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Parts 2520 and 2530

Proposed Regulations Relating to Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans

AGENCY: Department of Labor.

ACTION: Notice of hearing.

SUMMARY: The Department of Labor (the Department) will hold a hearing on proposed regulations relating to individual benefit reporting and recordkeeping under the Employee Retirement Income Security Act of 1974 (ERISA). These regulations, applicable to certain multiple employer pension plans, deal with reports that must be furnished to individual participants and beneficiaries regarding their benefit entitlements, and with records that must be maintained to provide the information necessary for these reports. The proposed regulations were set forth in a notice of proposed rulemaking published in the **Federal Register** at 45 FR 52824 (August 8, 1980).

DATES: The hearing will be held on December 4, 1980, beginning at 10 a.m. E.S.T.

ADDRESSES: The hearing will be held in the Auditorium of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary O. Lin, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C. (202) 523-9595.

SUPPLEMENTARY INFORMATION: By notice published in the **Federal Register** on August 8, 1980 (45 FR 52824), the Department proposed regulations relating to individual benefit reporting and recordkeeping. In the notice, the Department invited all interested persons to submit written data, views or arguments concerning the proposed regulations.

The Department has received a number of comments concerning the proposed regulations, some of which requested a public hearing. In view of the importance of these regulations, the Department has decided to hold a public hearing on December 4, 1980, beginning at 10 a.m. E.S.T., in the Auditorium of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

Any interested person who wishes to be assured of the opportunity to present oral comments at the hearing should submit by 3:00 p.m. E.ST., December 1, 1980: (1) A written request to be heard, and (2) outline (preferably five copies)

of the topics to be discussed, indicating the time to be allotted to each topic. The request to be heard and accompanying outline should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, Washington, D.C. 20216, Attention: Multiple Employer Individual Benefit Reporting and Recordkeeping Hearing. Individuals who do not file written comments regarding the proposed regulations may nonetheless request to make oral comments at the hearing.

The Department will prepare an agenda indicating the order of presentation of oral comments and the time allotted to each person making oral comments. In the absence of special circumstances, each commentator will be allocated ten minutes in which to complete his presentation. Information about the agenda may be obtained on or after December 3, 1980 by telephoning Mary O. Lin, Esq., Washington, D.C. (202) 523–9595 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments at the hearing should be prepared to answer questions regarding their comments.

A written record of the hearing will be made.

Signed at Washington, D.C., this 6th day of November, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–35086 Filed 11–6–80; 11:06 am]

BILLING CODE 4510–29–M

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29 CFR Parts 2520 and 2530

Proposed Regulations Relating to Individual Benefit Reporting and Recordkeeping for Single Employer Plans

AGENCY: Department of Labor.

ACTION: Notice of hearing.

SUMMARY: The Department of Labor (the Department) will hold a hearing on proposed regulations relating to individual's benefit reporting and recordkeeping under the Employee Retirement Income Security Act of 1974 (ERISA). These regulations, applicable to single employer pension plans (defined to include plans maintained by groups of employers under common control), deal with reports that must be furnished to individual participants and beneficiaries regarding their benefit entitlements, and with records that must be maintained to provide the information necessary for these reports. The proposed regulations were set forth in a notice of proposed rulemaking published in the **Federal Register** at 45 FR 51231 (August 1, 1980).

DATES: The hearing will be held on November 25, 1980, beginning at 10 a.m. E.S.T.

ADDRESSES: The hearing will be held in Room S–4215A and B of the Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

FUR FURTHER INFORMATION CONTACT: Mary O. Lin, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C. (202) 523–9595.

SUPPLEMENTARY INFORMATION: By notice published in the **Federal Register** on August 1, 1980 (45 FR 51231), the Department proposed regulations relating to individual benefit reporting and recordkeeping. In the notice, the Department invited all interested persons to submit written data, views or arguments concerning the proposed regulations.

The Department has received a number of comments concerning the proposed regulations, some of which requested a public hearing. In view of the importance of these regulations, the Department has decided to hold a public hearing on November 25, 1980, beginning at 10 a.m. E.S.T., in Room S–4215A and B of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

Any interested person who wishes to be assured of the opportunity to present oral comments at the hearing should submit by 3:00 p.m. E.S.T., November 21, 1980: (1) A written request to be heard, and (2) outline (preferably five copies) of the topics to be discussed, indicating the time to be allotted to each topic. The request to be heard and accompanying outline should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, Washington, D.C. 20216, Attention: Single Employer Individual Benefit Reporting and Recordkeeping Hearing. Individuals who do not file written comments regarding the proposed regulations may nonetheless request to make oral comments at the hearing.

The Department will prepare an agenda indicating the order of presentation of oral comments and the time allotted to each person making oral comments. In the absence of special circumstances, each commentator will be allocated ten minutes in which to complete his presentation. Information about the agenda may be obtained after 3:00 p.m. E.S.T., November 24, 1980 by telephoning Mary O. Lin, Esq., Washington, D.C. (202) 523–9595 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments at the hearing should be prepared to answer questions regarding their comments.

A written record of the hearing will be made.

Signed at Washington, D.C., this 6th day of November 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–35087 Filed 11–6–80; 11:06 am]

BILLING CODE 4510–29–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining

Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on the Resubmitted Kansas Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule: Notice of receipt of permanent program resubmission; schedule for public hearing and public comment period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of those portions of the proposed Kansas regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the State and which were not previously approved by the Secretary of the Interior.

This notice sets forth the times and locations that the Kansas program is available for public inspection; the date when and location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing will be held at 7:00 p.m. on November 24, 1980, at the address listed below. Comments from members of the public must be received on or before the close of business on November 26, 1980, in order to be considered in the Secretary's decision.

ADDRESSES: The public hearing will be held at the Holiday Inn, N. 69 Highway, Pittsburg, Kansas. Written comments should be sent to Raymond L. Lowrie, Regional Director, Office of Surface Mining, Department of the Interior, 818 Grand Avenue, Kansas City, Missouri, 64106, or may be hand delivered to the Regional Office.

Copies of the full text of the proposed program, a listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region IV Office and the office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

Mined-Land Office, 107 West 11th Street, Pittsburg, Kansas 66762.

Kansas Corporation Commission, Legal Office, 4th Floor, State Office Building, 915 Harrison, Topeka, Kansas 66612.

A copy of this notice along with a copy of the Kansas statutes and regulations regarding the proposed Kansas regulatory program has been placed on file and is available for inspection in the library of the Office of the Federal Register, Room 8301, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avene, Kansas City, Missouri 64106, Telephone (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 26, 1980, the State of Kansas submitted to OSM a proposed state regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328), the Regional Director published notification of receipt of the program submission in the March 4, 1980 **Federal Register** (45 FR 14152–14153) and in newspapers of general circulation within the state. In accordance with that announcement, public comments were solicited and a public meeting was held on April 10, 1980, on the issue of the program's completeness.

On April 18, 1980, the Regional Director published notice in the **Federal Register** announcing that he had determined the program to be incomplete (45 FR 26368) as required by 30 CFR 731.14(c).

After several discussions between Kansas and OSM during the review of the Kansas program, Kansas decided to make extensive revisions to its proposed regulations. Accordingly, on April 28, 1980, Kansas withdrew the regulations and the section-by-section analysis of those regulations from its program submission. Kansas elected not to officially submit proposed temporary or permanant regulations to OSM by the 104th day after initial submission of the program, (June 9, 1980). As of June 9, 1980, the Kansas proposed program contained the Mined-Land Conservation and Reclamation Act and other state laws in Volume I and the narrative description of the proposed program in Volume III.

A public hearing to review the substance of the portions of the Kansas program not previously approved by the Secretary of the Interior will be held at 7:00 p.m. on November 24, 1980, at the address listed below. The hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of scheduled speakers. The hearing will end after all people in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted to supplement, or in lieu of, an oral presentation at the hearing. Comments from members of the public must be received on or before the close of business on November 26, 1980, in order to be considered in the Secretary's decision on those elements of the proposed Kansas program which were not approved in the initial decision on the proposed program.

A public hearing on the Kansas submission was held on July 14, 1980, in Pittsburg, Kansas, by the Regional Director, after due notice on June 16, 1980 in the **Federal Register** (45 FR 40619–40621) and in newspapers of general circulation within the state. The public comment period ended July 21, 1980.

Throughout the period beginning with the submission of the program, OSM had frequent contact with the staff of the Kansas Mined-Land Conservation and Reclamation Board. Minutes or notes of the discussions were placed in Administrative Record and made available for public review and comment. The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of the partial approval by the Secretary (45 FR 58569–58576), published on September 4, 1980.

That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which approved and disapproved specific parts of the Kansas program. The approved parts of the Kansas program have not been the subject of discussions that might have influenced the decision to approve after the close of the public comment period. Discussions relating to parts of the program that were disapproved are in the Administrative Record and will be subject to public comment during the public comment period announced herein.

In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Kansas had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. The state submitted its revised program for consideration on October 31, 1980. Subsequent to the public hearing and review of all comments the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that those portions of the program that were not approved in the Secretary's initial decision now be approved or disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, the State of Kansas will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-federal and non-Indian lands in Kansas. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative agreement governing regulation of these activities on federal lands in Kansas. Such an agreement would be the subject of a separate

rulemaking and **Federal Register** notice. If the revised program is disapproved, a federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Kansas. To codify decisions on state programs, federal programs, and other matters affecting individual states, OSM has established Subchapter T of 30 CFR, Chapter VII. Subchapter T will consist of parts 900 through 950. Provisions relating to Kansas will be found in 30 CFR Part 916 after Kansas' resubmission has been approved or disapproved.

At the public hearing, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326):

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public Participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Interested members of the public are encouraged to read the Secretary's partial approval of the initial Kansas program submission (45 FR 58569–58576), published on September 4, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which were specifically approved and disapproved. Unless a change has been made to a part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the resubmission:

(a) State Regulations.
(b) Other Related State Laws.
(c) State/Federal Regulation Comparison.
(d) Certification by Revisor of Statutes.
(e) Structural Organization—Staffing Functions.
(f) Supporting Agreements Between Agencies.
(g) Narrative Description for:
(1) Issuing Exploration and Mining Permits.
(2) Assessing Permit Fees.
(3) Bonding-Insurance.
(4) Inspecting and Monitoring.
(5) Enforcing the Administrative, Civil and Criminal Sanction.
(6) Administering and Enforcing Permanent Program Standards.
(7) Assessing and Collecting Civil Penalties.
(8) Issuing Public Notices and Holding Public Hearings.
(9) Coordinating with Other Agencies.
(10) Consulting with Other Agencies.
(11) Designating Lands Unsuitable for Mining.
(12) Restricting Financial Interests.
(13) Training, Examining and Certifying Blasters
(14) Providing for Public Participation.
(15) Providing Administrative and Judicial Review.
(16) Providing a Small Operator Assistance Program (S.O.A.P.).
(h) Statistical Information.
(i) Summary of Staff with Titles, Functions, Job Experience and Training.
(j) Description of Staffing Adequacy.
(k) Projected Use of Other Professional and Technical Personnel.
(l) Budget Information.
(m) Physical Resources Information.
(n) Other Programs Administered by the Regulatory Authority.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Kansas program. Under Section 702(d) of SMCRA (30 U.S.C. Section 1292(d)) approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Dated: November 4, 1980.

Raymond L. Lowrie,

Regional Director.

[FR Doc. 80-35125 Filed 11-7-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1662-6]

Approval and Promulgation of Implementation Plans; North Carolina; Approval of 1979 CO Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to give full approval to North Carolina's 1979 revisions for the Mecklenburg County carbon monoxide nonattainment area, which were conditionally approved on April 17, 1980 (45 FR 26038). The corrective materials required (described below) have been submitted and form the basis for today's proposal. The public is invited to submit written comments on the proposed action.

DATE: To be considered, written comments must be received on or before December 10, 1980.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Library, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Bishop, Air Programs Branch, EPA Region IV, 345 Courtland Street NE, Atlanta, Georgia 30365, 404/881–3286 or FTS 257–3286.

SUPPLEMENTAL INFORMATION: On April 17, 1980 (45 FR 26038), EPA approved North Carolina's 1979 revisions for the Mecklenburg County CO nonattainment area on the condition that the State correct deficiencies in transportation related commitments and submit added detail and specific commitments for the vehicle inspection/maintenance (I/M) program required.

On May 22, 1980, the State submitted revisions in the narrative of the Charlotte-Mecklenburg Air Quality Implementation Plan, a commitment from the North Carolina Department of Transportation to implement transportation control measures (TCM) contained in the plan and materials related to the evaluation and implementation of TCM. On July 1, 1980, the State submitted new legislation changing the implementation of I/M by merging it with the safety inspection program administered by the Department of Motor Vehicles. On August 19, 1980, the State submitted further revisions in the narrative of the plan, including an I/M schedule revised to meet legislative changes, a resolution of the Environmental Management Commission certifying to the Commissioner of Motor Vehicles the need for I/M in Mecklenburg County, and a letter from the Commissioner of Motor Vehicles acknowledging his statutory responsibility with regard to I/M.

The following is a list of the deficiencies noted in the conditional approval of April 17, 1980, and a description of how the supplemental submittals correct them:

Deficiency: The memorandum of agreement required under Section 174 is inadequate with respect to commitments by the appropriate agency (agencies) to the implementation of the mobile source transportation control measures.

Correction: On February 7, 1980, the Secretary of the North Carolina Department of Transportation submitted a letter to EPA committing his staff to the implementation of transportation projects and to fully supporting the objectives of the Clean Air Act. In addition, the Department of Transportation will fully cooperate in the programming of transportation projects in the Charlotte urban area.

Deficiency: The current 1979 Transportation Improvement Program/ Annual Element (TIP/AE) must be reviewed for projects that have a positive air quality impact. Measures that are found to have benefits and are feasible must be submitted with implementation dates. The implementation dates should correspond to the dates shown in the TIP/AE. Those measures selected from the 1979 TIP/AE for incorporation into the State Implementation Plan must also include a commitment to the implementation and enforcement of such measures by the responsible agencies.

Correction: Charlotte officials have reviewed the 1979 TIP/AE for projects having positive air quality impacts. The projects identified were (1) a ride-share program and (2) improvement to the public transit network. The submittal included an implementation schedule for the projects and as a commitment to implement, copies of grant requests for funding of these projects.

Deficiency: Section 108(f) requires EPA to publish and make available information documents on transportation control measures that are reasonably available for implementation in order to reduce emissions from transportation sources. EPA considers all Section 108(f) measures to be reasonably available. However, if through analysis some measures are found to be infeasible, EPA will allow these measures to be withdrawn. The submittal does not contain a commitment to justify the decision not to implement these measures if found infeasible. Also, the State and/or responsible agencies must commit to implement as expeditiously as practicable those measures found feasible for implementation. The schedule for the analysis of the 108(f) measures does not include a deadline date of July 1980. The analysis must be completed by July 1980 with implementation of measures found feasible before December 1982.

Correction: As revised by the May 2, 1980 submittal, the SIP contains a commitment to justify the decision not to implement any of the Section 108 measures after analysis and a commitment to the expeditious implementation by the end of 1982 of those Section 108 measures found feasible. Due to a late issuance of guidance for the analysis of the Section 108 measures, EPA is allowing a deadline date of December 31, 1980 for the completion of the analysis. The December 31 date will still allow the Charlotte Metropolitan Planning Organization (MPO) to integrate the Section 108 measures into the regular 1981 programming process for expeditious implementation.

Deficiency: The submittal does not identify the financial and manpower allocations to accomplish the tasks required under Section 108(e) of the CAA and other transportation system management elements and air quality related projects which are or will be incorporated into the Unified Planning Work Program (UPWP) and the Transportation Improvement Program Annual Element (TIP/AE). The UPWP must also be modified to include provisions for progress reporting as required by the "Transportation/Air Quality Planning Guidelines", issued pursuant to Section 108(e) of the CAA. The SIP must contain only those measures from the modified UPWP and TIP/AE that are related to transportation air quality planning under Section 108(e) of the CAA.

Correction: In the May 2 submittal, the State included a copy of the Charlotte MPO's Section 175 fund grant application outlining the financial and manpower allocations to accomplish the Section 108(e) requirements. This grant application has been adopted into the FY 1980 UPWP for the Charlotte area.

I/M Program—As for the additional details and commitments required for the inspection and maintenance program on June 27, 1980, the General Assembly enacted legislation providing for a decentralized program to be added to the current safety inspection program. The program will be jointly administered by the Environment Management Commission and the Department of Motor Vehicles and will test gasoline-powered motor vehicles manufactured within the previous 12 years. Operation of noncomplying vehicles will be prohibited through use of the existing "sticker" system. A revised I/M schedule contains the following key dates:

1. Initiate public information program—October 1, 1980.
2. Initiate voluntary program—March, 1981.
3. Initiate mechanics training program—October, 1981.
4. Develop rule and regulations—September, 1981.
5. Initiate mandatory program—December 31, 1981.

The submittal also includes the EMC's ratification of the program and the Commission of Motor Vehicles commitment to implement the program. Inasmuch as all law officials in North Carolina are sworn to uphold all laws of the State, EPA accepts this as a commitment to the enforcement of the program.

Proposed Action

It is proposed to give full approval to the Mecklenburg County CO revisions. The public is invited to participate in this rulemaking by submitting written comments on this proposal. After reviewing all pertinent comments received, the Administrator will take final action on these revisions in the North Carolina plan.

(Secs. 110, 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: September 29, 1980.

John A. Little,

Acting Regional Administration.

[FR Doc. 80-34976 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-6-FRL 1664-1]

New Mexico Plan for Nonattainment Areas; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This action proposes approval of submittal schedules for revisions to New Mexico's Air Quality Control Regulation, 702–Permits and revisions to the Albuquerque control strategy for total suspended particulates (TSP). These submittal schedules were developed by the State in response to the April 10, 1980 (45 FR 24509) Notice of Proposed Rulemaking in which EPA proposed schedules for the submission of revisions to New Mexico's Plan for nonattainment areas.

DATES: Interested persons are invited to submit comments on this proposed action on or before December 10, 1980.

ADDRESSES: Written comments should be submitted to the address below. Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, Attn:

Jerry Stubberfield, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State's submittal are available for inspection during normal business hours at the address above and the following location: Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Jerry Stubberfield, Chief, Implementation Plan Section, Air Program Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION:
Provisions of the Clean Air Act, as amended in 1977 (the Act), require that States revise their SIPs for all areas designated as not attaining the national ambient air quality standards (NAAQS). Section 173 of the Act—Permit Requirements—stipulates the permit requirements for major sources locating in nonattainment areas.

The State of New Mexico submitted revisions to the SIP in accordance with the requirements of Part D of the Act on January 23, 1979. EPA reviewed the State submission and in the August 9, 1979 **Federal Register** proposal notice discussed the deficiencies of the State's permitting regulations with regard to Section 173 of the Act. The State subsequently indicated indicated that it does not issue permits to sources locating in nonattainment areas. The State also indicated that recent amendments to the New Mexico Air Quality Act would allow the State to comply with Section 173 of the Act but that present regulations would have to be amended in light of this new legal authority. In a letter of August 2, 1979 the Governor reaffirmed that the State did not issue permits to sources in nonattainment areas. The Governor also committed that during the interim period before final action on the revised regulation, the State would continue its policy to not issue construction permtis in any area exceeding the national ambient air quality standards.

On September 25, 1979 the Governor submitted a schedule for the modification and submission of Air Quality Control Regulation #702. This schedule established the following requirements:

(1) Proposed amendments prepared for EPA and public reviewDDecember 1, 1979 (EPA has received these documents).

(2) Public hearing held—January, 1980.

(3) Submit revised regulation—March 1, 1980.

In the April 10, 1980 **Federal Register** EPA proposed to approve this schedule for the revision of Air Quality Control Regulation #702. EPA also solicited public comments on this proposed schedule. During the thirty-day comment period, which ended on May 10, 1980, no public comments were received by EPA.

On May 20, 1980, the Governor of New Mexico submitted a revised schedule for the modification and submission of Air Quality Control Regulation #702. The Governor stated that the schedule which he proposed on September 25, 1979 was structured so that the State would have an opportunity to incorporate pending federal regulations for Prevention of Significant Deterioration (PSD) into the State's permitting authroity. He had expected the federal PSD regulations to have been in force prior to the January, 1980 public hearing date which he had originally proposed. In order to avoid any possible conflict between the State's permit regulations and the federal PSD Regulations, the Governor proposed to revise to revise the schedule for the modification and submission of Air Quality Control Regulation #702 to allow for the promulgation of federal PSD Regulations. The proposed revised schedule is as follows:

(1) Propose amendments to permit regulations prepared for EPA and public review—April 1, 1981.

(2) Hold public hearing—July 1981.

(3) Submit revised regulation to EPA—September 1, 1981.

The Governor further stated that this revised schedule was the most realistic one which could be proposed since the New Mexico legislature cannot act on amendments to the State Act until March of 1981, and the effective date of legislation passed during the next session would be July 1, 1981.

EPA proposes to approve the revised schedule for the submission of revisions for New Mexico Air Quality Control Regulation #702.

The April 10, 1980 **Federal Register** also proposed to approve a schedule for the revision of the Albuquerque control strategy for TSP. Section 172(b) of the Act specifies that nonattainment plans must include the implementation of all reasonably available control measures. Section 172(b) of the Act further requires that control strategy demonstrations for nonattainment areas be based on comprehensive, accurate, current inventories of the actual emissions from all sources of pollutants for which the areas have been given a nonattainment designation. Inventories representing 1977 emissions indicate that fugitive dust from nontraditional sources (unpaved roads and parking lots, reentrained dust from paved roads) contribute to over fifty percent of the emission inventories and account for a major portion of the air quality problem at each nonattainment site. Where a state is unable to demonstrate attainment of the TSP standard through controls on stationary sources, EPA policy allows a State to conduct studies of nontraditional source controls and submit regulations based on the studies if the State requires application of reasonably available control technology (RACT) to existing stationary sources. Albuquerque's five nonattainment sites are impacted heavily by nontraditional sources. In two of the nonattainment areas stationary sources exist which are controlled by fabric filtration or venturi scrubbers. EPA considers these control measures sufficient to satisfy the requirement that stationary sources be controlled with reasonable available control technology (RACT). The SIP includes an assessment of the impact of traditional and nontraditional sources and shows that emission reductions sufficient to demonstrate attainment of standards can be gained through the control of the nontraditional sources. EPA, in a proposal notice of August 9, 1979, proposed to approve this portion of the SIP provided that the State submit a schedule committing to the adoption of measures sufficient to attain the primary standards. On September 25, 1979 the Governor submitted a schedule for the adoption and submission of a revised TSP control strategy and regulation. This schedule required the following to be completed:

(1) Update emissions inventory and identify major influencing sources—July 1, 1980.

(2) Analyze data and further define TSP problem—January 1, 1981.

(3) Propose TSP control strategy including cost/benefit analysis—July 1, 1981.

(4) Develop proposed control regulation and hold public hearing—October 1, 1981.

(5) Submit revised plan to EPA—December 1, 1981.

In the August 9, 1979 proposal notice, EPA proposed to approve this portion of the plan as a result of the submission of this schedule by the State. Though EPA considered the schedule to be appropriate, EPA felt that the schedule should be subject to notice and comment. In the April 10, 1980 **Federal Register**, EPA conditionally approved this schedule pending the receipt and evaluation of comments. During the thirty-day comment period, which ended May 10, 1980, no comments on the above schedule were received.

In his May 20, 1980 letter, the Governor proposed a revised schedule for the revision of the Albuquerque control strategy for TSP. The Governor requested that the schedule be revised due to the timing on EPA contractual assistance not allowing them to meet the previously established dates. This schedule is as follows:

(1) Update emissions inventory and identify major influencing sources—January 1, 1981.

(2) Analyze data and further define TSP problem—June 1, 1981.

(3) Propose TSP control strategy including cost/benefit analysis—January 1, 1982.

(4) Develop proposed control regulations, as required, and go to public hearing—April 1, 1982.

(5) Submit revised plan to EPA—July 1, 1982.

EPA proposes to approve this revised schedule for the revision of the Albuquerque TSP control strategy.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: October 7, 1980.

Myron O. Knudson,

Acting Regional Administrator.

[FR Doc. 80-34985 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-6-FRL 1662-8]

Approval and Promulgation of Implementation Plans; Louisiana Regulations for Volatile Organic Compounds

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to approve revised sections of Louisiana Regulation 22.0 with the exception of Section 22.8(b) for which EPA takes no action. These revisions deal with control of emissions of volatile organic compounds from new sources and existing sources in Louisiana's designated nonattainment areas. These Sections under Regulation 22 were revised by the State in accordance with a conditional approval of the State Implementation Plan (SIP), Louisiana Plan for Nonattainment Areas, published in a final rulemaking notice in the **Federal Register** on February 14, 1980 (45 FR 9903). This proposed rulemaking means that conditional approval of the Louisiana SIP will remain in effect until EPA takes final action on these revisions.

DATES: Interested persons are invited to submit comments on this proposed rulemaking on or before December 10, 1980.

ADDRESSES: Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Program Branch, Attention: Jerry Stubberfield, 1201 Elm Street, Dallas, Texas 75270.

Copies of the materials submitted by the State and comments received on this proposed rulemaking will be available for inspection during normal business hours at the above address and the following address: Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Chief, Implementation Plan Section, Air Program Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: The Governor of Louisiana submitted the State's SIP revisions on April 30, 1979. These revisions addressed Part D requirements for attainment of the National Ambient Air Quality Standards (NAAQS) for ozone. The Governor's submittal also included revisions relative to other than Part D requirements which will be addressed in a separate action.

EPA originally published proposed rulemaking with respect to Louisiana's April 30 submission on July 31, 1979 (44 FR 44908) which stated EPA's proposed approval/disapproval action. Where minor deficiencies were noted, EPA proposed conditional approval.

EPA published a final rulemaking on February 14, 1980 (45 FR 9903) to conditionally approve Sections 22.6, 22.12.4, 22.17, and 22.18 of the Louisiana Plan. The conditional approval for Sections 22.6 and 22.12.4 required the State to submit additional materials by December 15, 1979. Revised Sections 22.6 and 22.12.4 were submitted by the Governor of Louisiana on December 10, 1979. EPA published a notice of receipt for Sections 22.6 and 22.12.4 on April 24, 1980 (45 FR 27788).

EPA has evaluated the State's submission of revised Regulation 22.0 and proposes to approve Sections 22.6, 22.12.4, 22.17, 22.18, 22.3, 22.5, 22.8, and 22.10 with the exception of Section 22.8(b) for which EPA takes no action.

Section 22.6 concerns volatile organic compound (VOC) emissions from waste water separators. The original submittal exempted from control, waste water separators which receive effluent water containing less than 200 gallons/day of VOC. EPA's conditional approval required the State to either modify this section to exclude the exemption or to demonstrate that the emissions from waste water separators after application of the exemption is within five percent of the emissions allowed after application of the CTG's presumptive norm for this source category (EPA's "five percent" rule for control exemptions). The State elected to modify the section to delete the exemption and require proper control equipment on all VOC waste water separators emitting 100 tons/year or more of hydrocarbons. In accordance with the requirements for approving Part D plans, a State may limit control to sources emitting 100 tons or more per year if attainment is demonstrated by December 31, 1982. Revised Sections 22.6.1 and 22.6.2 dealing with waste water separators for volatile organic compounds and non-volatile organic compounds, respectively, were submitted by the Governor to EPA on December 10, 1979. EPA proposes to approve Section 2.6.1 and Section 22.6.2.

Section 22.12.4 involves exemptions for vapor degreasers under Regulation 22.12, submitted by the Governor on April 30, 1979. Section 22.12.4 exempted from control all degreasing operations which emitted a combined weight of VOCs less than 100 pounds in any consecutive 24-hour period. On July 31, 1979 (44 FR 44911), EPA proposed to approve Section 22.12.4 based on the submittal of information by the State which satisfactorily demonstrated that the exempted sources affect less than five percent of the emissions from the solvent metal cleaning (degreasing) category. Information relating to the proposed exemption was to be submitted within thirty days after publication of the July 31, 1979 **Federal Register** notice. However, the State determined that the necessary demonstration could not be achieved, and on October 11, 1979, the State committed to adopt and submit a revised regulation to EPA by December 15, 1979. The Governor submitted

revised Section 22.12.4 to EPA on December 10, 1979. Revised Section 22.12.4 exempts degreasing operations on a facility wide basis which have emissions of volatile organic compounds equal to or less than 100 tons/year. EPA is proposing to approve revised Section 22.12.4.

Revisions to Section 22.3, 22.8, and 22.10 were originally submitted by the Governor on December 9, 1977. EPA proposed approval of Sections 22.3 and 22.10, and disapproval of 22.8 (b) and (c) on March 2, 1979 (43 FR 11800). Prior to final action on Regulation 22.0 by EPA, the Governor withdrew Sections 22.3, 22.8, and 22.10. The Governor's submittal of April 30, 1979 included revisions to the three withdrawn sections. These were revisions to sections of Regulation 22.0 which are no longer officially before EPA. Since EPA cannot act on revisions to sections which have not been officially received, EPA could take no action on these revisions. Sections 22.3, 22.8 and 22.10 were formally submitted by the Governor to EPA on June 20, 1979.

Section 22.8 concerns the control of waste gas disposal streams. The Governor withdrew Section 22.8 and submitted a revised Section 22.8(b). Revised Section 22.8(b) required the total combustion of halogenated hydrocarbons from any waste gas disposal stream and the halogenated products of combustion be reduced to an emission level acceptable to the Technical Secretary. EPA will take no action on Regulation 22.8(b) since the halogenated products of combustion are not criteria pollutants.

Revised Section 22.8(c) gives the Technical Secretary the authority to waive control requirements if: (1) the waste gas stream is not significant, (2) will not support combustion without auxiliary fuel, (3) disposal cannot be accomplished practically or safely, or (4) disposal causes economic hardships. Since the term "significant" was not defined, EPA proposed disapproval of Section 22.8(c) in the **Federal Register** on March 2, 1979 (43 FR 11800). The Governor withdrew Section 22.8 and submitted a modified version of Section 22.8(c) to EPA on June 20, 1979. Revised Section 22.8(c) defines a waste gas stream to be insignificant if it has emissions of less than 100 tons/year. EPA interprests this revision to mean that the aggregate of all waste gas streams at a facility has emissions of less than 100 tons/year. Therefore, EPA is proposing to approve Section 22.8(c).

Section 22.10 states that the Technical Secretary may exempt from control requirements of Regulation 22.0 volatile organic compounds which do not react to form photochemical oxidants, if their control causes economic hardship. The Governor subsequently submitted revisions to Section 22.10 to EPA on June 20, 1979. This submittal included an exemption for five compounds, among them methyl chloroform and methylene chloride.

On May 16, 1980, EPA published a clarification of Agency policy concerning the control of methyl chloroform and methylene chloride in ozone SIPs (45 FR 32424). EPA explained that it cannot approve or enforce controls on either of these two compounds as part of a Federally enforceable ozone SIP because current information indicates that neither compound is an ozone precursor. Consequently, EPA is not disapproving Louisiana's exemption of these compounds.

This policy is in no way an expression of EPA's view of the desirability of controls on these compounds. States retain the authority to control these compounds under the authority reserved to them in Section 116 of the Clean Air Act. In addition, State officials and sources should be advised that there is a strong possibility of future regulatory action by EPA to control emissions of these two compounds. (See, *e.g.*, Proposed New Source Performance Standards for Organic Solvent Cleaners, 45 FR 39766, June 11, 1980.)

Section 22.10 was again revised on December 10, 1979. This revision included other organic compounds which would be considered for exemption by the Commission if their control caused undue hardship. Exemptions of these compounds, not specifically exempted in Section 22.10, will be considered a revision to the SIP. Consequently, such exemptions must be submitted to and approved by EPA before they will become part of the approved SIP. EPA proposes to approve revised Regulation 22.10.

Revised Section 22.3, concerning storage of volatile organic compounds, was also submitted by the Governor on June 20, 1979. A minor revision which regulates storage in containers or more than 40,000 gallon capacity was submitted on July 7, 1979. An administrative change to Section 22.3(a) was submitted on December 10, 1979. EPA is proposing to approve these modified versions of Section 22.3.

As previously stated EPA proposed to disapprove portions of Regulation 22.0 in a proposed rulemaking notice of March 2, 1979. On March 19, 1979, the Louisiana Air Quality Division (LAQD) requested that Region 6 not promulgate Section 22.3, 22.5, 22.8, and 22.10 of Regulation 22.0 and stated they would request that the Governor of Louisiana withdraw the submittal of December 9, 1977 insofar as it pertains to hydrocarbon control. However, the Governor of Louisiana withdrew only Sections 22.3, 22.8 and 22.10 on March 28, 1979. Since EPA had expected the withdrawal of Section 22.5, EPA did not address Section 22.5 in the February 14, 1980 **Federal Register.** EPA is addressing Section 22.5 in this notice.

Section 22.5 which was submitted by the Governor to EPA on December 9, 1977 applies to loading facilities for volatile organic compounds (VOC). In a **Federal Register** notice (43 FR 11798) of March 2, 1979, EPA proposed to disapprove Section 22.5, since it had allowed submerged or bottom fill as an acceptable control technique for VOC transfer. EPA's presumptive norm for applicable facilities call for vapor collection and disposal systems or their equivalent. Since submerged or bottom fill results in lower emission reductions, this control method represents a relaxation of the regulation. Vapor collection and disposal systems are considered technologically and economically feasible for applicable facilities. The Governor submitted to EPA on April 30, 1979 a revision to Section 22.5, which required vapor collection and disposal systems or their equivalent. A minor revision to Section 22.5 was submitted on July 7, 1979 which excluded ship and barge loading operations from this regulation. EPA proposes to approve revised Section 22.5.

Sections 22.17 and 22.18, dealing with refinery vacuum producing systems and process unit turnarounds, respectively, were submitting by the Governor to EPA on October 18, 1979 as a result of the proposed notice of rulemaking of July 31, 1979. These sections were conditionally approved by EPA on February 14, 1980 (45 FR 9903). Both of these sections specify that emissions shall be controlled by one of the applicable methods specified on Section 22.8. Therefore, they could not be fully approved until Sections 22.8(b) and 22.8(c), dealing with the disposal of waste gas streams, were satisfactorily revised and resubmitted. With EPA's proposed approval of Section 22.8(c), and no action on 22.8(b), the conditions for approval for Section 22.17 and 22.18 stated in the **Federal Register** notice of February 14, 1980 have been met and Sections 22.17 and 22.18 are proposed for approval.

Current Action

On February 14, 1980 (45 FR 9904), EPA took final action to conditionally approve revised Sections 22.5, 22.12.4, 22.17, and 22.18. EPA proposes to

approve these regulations and the conditional approval will remain in effect until EPA takes final action. EPA proposes to approve revised Sections 22.3, 22.8, and 22.10 which were formally submitted on June 20, 1979. EPA proposes to approve Regulation 22.5, which was submitted on April 30, 1979. EPA takes no action on 22.8(b).

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

This notice of proposed rulemaking is issued under the authority of Sections 110(a) of the Clean Air Act as amended in 1977 and 42 U.S.C. 7410(a) and 7501.

Dated: October 9, 1980.

Myron O. Knudson,

Acting Regional Administrator.

[FR Doc. 80-35058 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1662-5]

Deficiency in West Virginia's State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deficiency in State implementation plan.

SUMMARY: As the result of EPA's review of West Virginia's Regulation X as it applies to two powerplants, EPA has determined that West Virginia's sulfur dioxide air pollution control plan is not adequate to ensure attainment and maintenance of the secondary national ambient air quality standard for SO_2. Therefore, the Administrator requires the State to submit a control strategy and demonstration of attainment.

DATE: The control strategy and demonstration of attainment should be submitted within nine months from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Sheldon Novick, Regional Counsel, Environmental Protection Agency Region III, The Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106 (215-597-9821).

SUPPLEMENTARY INFORMATION: On November 9, 1978, EPA approved amendments to West Virginia's Air Pollution Control Commission Regulation X as a revision of the State Implementation Plan (SIP) for sulfur dioxide control. Those amendments as they applied to the Mitchell and Harrison power stations were challenged in the United States Court of Appeals for the Third Circuit by the Commonwealth of Pennsylvania and six citizens' organizations. As part of this litigation, EPA again reviewed West Virginia's Regulation X as it applies to the two power plants, and determined that the SIP revision is adequate to ensure attainment and maintenance of the primary SO_2 standard. EPA's approval is announced in a notice of final action published elsewhere in today's **Federal Register.** In the course of its review, however, EPA determined that West Virginia's SO_2 control strategy is not adequate to ensure attainment and maintenance of the secondary national ambient air quality standard for SO_2 ("NAAQS"). Dispersion modelling of the emission limits now in effect for the Mitchell and Harrison power plants predicts a violation of the secondary SO_2 NAAQS at those limits.

When EPA gives notice of such a deficiency, as it does today, the Clean Air Act requires the State to prepare and submit a revision of its SIP to correct the deficiency. 42 U.S.C. 7410(a)(2)(H). The Administrator believes West Virginia will need at least nine months to evaluate its control strategy, enact any necessary regulations and submit a control strategy that demonstrates attainment of the secondary SO_2 standard. The Administrator therefore requires the State to submit a control strategy and demonstration of attainment within nine months from the date of publication of this notice. EPA regulations call for consultation with the State concerning the time needed for this submission, 40 CFR 51.6(b), and the Administrator therefore will consider any request from the State for additional time.

In the next nine months, West Virginia must reassess its SO_2 control strategy and adopt any additional regulations that may be needed to protect the secondary SO_2 NAAQS. If such new regulations are needed, the State must also prescribe a schedule for compliance within a reasonable time.

Section 110(a)(2)(A) of the Clean Air Act and EPA regulations require that a compliance schedule provide for attainment of a secondary NAAQS within a reasonable period of time. EPA regulations provide that a State may consider social, economic, and technological factors in determining a reasonable schedule for attainment of secondary standards. 40 CFR 51.13(b).

EPA is aware that the State and the representatives of the utility owners, coal companies and coal miners have alleged that severe social and economic disruption will occur if the power stations are required to reduce their emissions below the levels approved today as adequate for primary standard attainment. The Agency recoginzes that some methods of attaining the secondary SO_2 standard, such as switches to low sulfur coal, could result in localized job losses in the coal mining industry and related businesses. If the State determined that additional emission limitations are necessary to demonstrate attainment of the secondary SO_2 standard, EPA encourages the State to take into account potential adverse employment effects when establishing a compliance schedule to carry out any necessary secondary SO_2 standard control strategy, and to consider control strategies and compliance schedules that will avoid or minimize social and economic disruption. If desired by the State, EPA personnel will work with the State to develop approaches that ensure secondary SO_2 standard attainment within a reasonable time while minimizing any adverse employment impacts.

The details of the deficiency noted by EPA are more fully described in documents supporting EPA's final action approving the West Virginia SIP revision as adequate to attain and maintain the primary SO_2 standard. The documents are available at the addresses given in the notice of final action, published elsewhere in today's **Federal Register.**

Dated: October 31, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-35061 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-8-FRL 1663-8]

Montana Application for interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VIII.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the

availability for public review of the Montana application for Phase I interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATE: Comments on the Montana interim authorization application must be received by December 15, 1980.

Public hearing: EPA will conduct a public hearing on the Montana interim authorization application at 9:00 a.m. on December 15, 1980. EPA reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. The State of Montana, Department of Health and Environmental Sciences, Solid Waste Management Bureau will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Montana interim authorization application are available at the following addresses for inspection and copying by the public:

1. U.S. Environmental Protection Agency 1860 Lincoln Street, Denver, Colorado 80295. Telephone (303) 837–2221.
2. Montana Department of Health and Environmental Sciences, Solid Waste Management Bureau, Cogswell Building, Room A201, Helena, Montana 59601. Telephone (406) 449–2821.
3. EPA Montana Office, 301 S. Park, Drawer 10096, Helena, Montana 59601. Telephone (406) 449–5414.
4. Northern Montana College Library, Havre, Montana 59501.
5. Eastern Montana College Library, Billings, Montana 59101.
6. University of Montana Library, Missoula, Montana 59801.
7. Montana State University Library, Bozeman, Montana 59717.

Written comments should be sent to: U.S. EPA, Montana Office, 301 S. Park, Drawer 10096, Helena, Montana 59601, Attn: Jim Harris.

The public hearing will be held at: Room 289, Federal Office Building, Helena, Montana.

FOR FURTHER INFORMATION CONTACT: Jim Harris, EPA Montana Office, 301 S. Park, Drawer 10096, Helena, Montana 59601, Telephone (406) 449–5414.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional state in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

(1) Have been in existence prior to August 17, 1980, and

(2) Submit evidence to EPA showing that the existing State program is substantially equivalent to the Federal program.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33479). As noted in the May 19, 1980, **Federal Register** copies of complete State submittals for Phase I interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal, unless significant public interest is not expressed.

Dated: November 5, 1980.

Roger L. Williams,

Regional Administrator.

[FR Doc. 80-34980 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-38-M

ACTION

45 CFR Part 1223

Treatment of Volunteer Payments and Services by Governmental Programs

AGENCY: ACTION.

ACTION: Notice of proposed rulemaking.

SUMMARY: These Regulations outline the manner in which payments to volunteers under the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 *et seq.*), must be treated in determining the level of or eligibility for assistance or services any such volunteers may be receiving or may be entitled to under any governmental programs.

DATE: Comments must be received by December 10, 1980.

ADDRESS: Comments should be sent to the Office of the General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Written comments should be identified with the words "Volunteer Income" on the envelope. Oral comments may be offered by calling 202–254–8855.

FOR FURTHER INFORMATION CONTACT: Louise E. Maillett, Assistant General Counsel, ACTION, 806 Connecticut Avenue, NW Washington, D.C. 20525, 202–254–8855.

SUPPLEMENTARY INFORMATION: Prior to the 1979 Amendments to the Domestic Volunteer Service Act of 1973 (Pub. L. 96–143; December 13, 1979), Section 404(g) of the Act (42 U.S.C. 5044(g)) provided that payments to volunteers under the Act must not adversely affect the level of or eligibility for services or assistance under any governmental program such volunteers were receiving prior to their enrollment as volunteers. This section, referred to as an income disregard, operated to allow low-income persons to join a volunteer program without suffering loss of eligibility for or a decrease in the level of services or assistance they had been receiving upon enrollment as a volunteer. In Pub. L. 96–143, Congress amended this section to provide that upon the determination by the Director that the value of payments to volunteers was equal to or greater than the applicable minimum wage, the income disregard would be inapplicable.

The standard to be used in this determination is the greater of the minimum wage under the Fair Labor Standards Act or the minimum wage under the laws of the State in which the volunteers are serving. In summary, if the payments received by a volunteer under this Act are greater than the applicable minimum wage, the income disregard is not applicable and such payments may be included in determining eligibility or benefit levels for volunteers. If the payments received by a volunteer are less than the applicable minimum wage, the income disregard section does apply to exclude such payments from determinations of the volunteer's eligibility or benefit level under government programs.

The Congress has also amended Section 404(g) by adding a subsection concerning the work-registration requirement of governmental programs. This section provides that no full-time volunteer in a program under Title I of the Act, who was otherwise qualified, may be denied benefits under any governmental program because of such volunteer's failure or refusal to register for, seek, or accept employment or training during his or her period of volunteer service. The purpose of this Amendment was to correct an unintended inclusion of volunteers in the requirement that persons receiving Aid to Families of Dependent Children (AFDC) payments register for and accept employment and training under the Work Incentive (WIN) program.

This regulation, as a matter involving volunteers, is exempt from the requirements of Executive Order 12044: "Improving Government Regulations."

Accordingly, Part 1223 is added, as follows, to Title 45 of the Code of Federal Regulations:

PART 1223—TREATMENT OF VOLUNTEER PAYMENTS AND SERVICES BY GOVERNMENTAL PROGRAMS

Subpart A—Volunteer Payments

Sec.
1223.1 Purpose.
1223.2 Scope.
1223.3 Definitions.
1223.4 Applicable minimum wage.
1223.5 Volunteer hours.
1223.6 Treatment of volunteer payments.

Subpart B—Volunteer Services

1223.7 Treatment of volunteer services.

Authority: Pub. L. 93–113, sec. 402(14) and 404(g) (42 U.S.C. 5042(14) and 5044(g); Pub. L. 96–143, sec. 12 (42 U.S.C. 5044(g)); sec. 420 (42 U.S.C. 5060).

Subpart A—Volunteer Payments

§ 1223.1 Purpose.

The purpose of these Regulations is to describe the manner in which volunteer payments and volunteer services under the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 *et seq.)* must be treated with respect to the level of or eligibility for assistance or services any such volunteers may be receiving under any government program.

(42 U.S.C. 5044 (g))

§ 1223.2 Scope.

(a) This part applies unless otherwise noted to all volunteers serving in a program authorized by the Act.

(b) This part applies to any governmental program administered on the Federal, State, or local level regardless of its source of funding, which allocates services or assistance to qualified recipients on the basis of their level of income or availability for employment or training.

(c) This part shall govern the treatment of volunteer payments under the Domestic Volunteer Service Act, notwithstanding any other provision of law, except as may be provided expressly in limitation of Section 404(g)(1) of the Act.

(42 U.S.C. 5044 (g))

§ 1223.3 Definitions.

(a) The "Act" means the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 *et seq.).*

(b) "Director" means the Director of ACTION, or a person authorized by the Director to make a determination or perform a function required by this part.

(c) "Volunteer" means a person enrolled for training or service in a program authorized by the Act either in a full-time or part-time capacity. Such programs may be administered directly by ACTION or may be conducted under an agreement between ACTION and a Federal, State, or local agency, or a private nonprofit organization.

(d) "Payments," for the purposes of this part, include only allowances paid to volunteers to defray their personal living expenses, or a reasonable cash equivalent if the support normally provided as an allowance is provided in kind. Other forms of support, whether provided in cash or in kind, are not included. Other support includes, but is not limited to, transportation, supplies, equipment, technical assistance, legal assistance, special clothing, medical care, training, and career development. Payments do not include the volunteer's end of service stipend, reimbursements for travel or transportation or other necessary expenses provided on the basis of actual cost or as *per diem* in lieu of actual subsistance while the volunteer is away from his or her place of assignment. Meals provided to part-time volunteers during a period of service, and recognition awards of nominal value, are not payments. Allowances such as a settling-in allowance, reenrollment allowance or vacation allowance shall be pro-rated over the entire enrollment period to which it relates in making the computation described in § 1223.6.

(e) "Sponsoring organization" means the organization to which the volunteer is assigned under an agreement with ACTION and which is responsible for the daily supervision of the volunteer.

(f) "Receive," and "Receiving," when used in connection with assistance under governmental programs includes assistance for which a volunteer was eligible prior to the commencement of volunteer service, although the volunteer may not have actually been receiving such assistance.

(42 U.S.C. 5044 (g))

§ 1223.4 Applicable minimum wage.

(a) For purposes of this part, the applicable minimum wage is the minimum wage then in effect under the Federal Labor Standards Act of 1938 (29 U.S.C. 20 *et seq.*), or the minimum wage established by the laws of the State where such volunteers are serving, which ever is greater.

(b) Upon any increase in the payments to volunteers, the Director shall ascertain the relationship between the increased level of payments and the prevailing minimum wage, as defined in paragraph (a) of this section. The Director, on the basis of such information, shall determine whether the value of such changed payments, adjusted to reflect the number of hours such volunteers are serving, is equal to or greater than the applicable minimum wage. Upon making such a finding, the Director shall provide timely notice to all affected volunteers and shall also cause such notice to be published in the **Federal Register.**

(42 U.S.C. 5044(g))

§ 1223.5 Volunteer hours.

(a) For purpose of this part, a volunteer who is enrolled in a program of full-time service shall be deemed to serve a minimum of forty (40) hours per week unless the program in which the volunteer is serving specifically provides for a different weekly service period. Upon request, the sponsoring organization will certify the actual number of hours a volunteer is serving.

(b) Part time volunteers receiving payments shall be deemed to be serving twenty (20) hours per week unless the program in which they are serving authorizes a different weekly service period. Upon request, the sponsoring organization will certify the actual number of hours a part-time volunteer is serving.

(42 U.S.C 5044(g))

§ 1223.6 Treatment of volunteer payments.

(a) In the absence of a determination by the Director and notice, as provided for under paragraph (b) of § 1223.4 hereof, payments or support provided to volunteers shall not be treated as income to the volunteer for the purpose of determining the eligibility for or level of assistance or services such volunteers may be receiving under any government program. Nor shall such payments or support be treated in such a manner as to otherwise reduce or eliminate the level of or the eligibility for such assistance or services.

(b) In the absence of a determintion by the Director and notice, as provided for under § 1223.4(b) hereof, if the eligibility for or the level of assistance or services received by a volunteer under any government program is in whole or in part derived from the status of the volunteer in a family unit, payments received by the volunteer under the Act may not be basis for any reduction in the level of, or the elimination of the eligibility for, assistance and services received by the family, or any member thereof.

(c) A determination that the value of volunteer payments is equal to or greater than the prevailing minimum wage shall be prospective in effect.

Volunteer payments received prior to such a determination shall not be considered as overpayments under any governmental program or result in any liability therefor.

(42 U.S.C. 5044(g))

Subpart B—Volunteer Services

§ 1223.7 Treatment of volunteer services.

(a) This subsection applies only to full-time volunteers under Title I of the Act. Any assistance or service which such a volunteer was otherwise entitled to receive under any governmental program prior to enrollment shall not be denied solely because of the volunteer's failure or refusal to register for, seek, or accept employment or training during the period of such volunteer's service.

(b) Upon written request from an appropriate officer or employee in any governmental program which requires registration for or acceptance of employment or training as a condition to receipt of services or assistance, the Director will certify whether an individual is enrolled under Title I and his or her term of service.

(42 U.S.C. 5044(g))

Signed at Washington, D.C., this 5th day of November, 1980.

Sam Brown,

Director.

[FR Doc. 80-34922 Filed 11-7-80; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 93

[CGD 77-162]

Damage Stability Standards for Great Lakes Bulk Dry Cargo Vessels

AGENCY: Coast Guard, DOT.

ACTION: Extension of advanced notice of proposed rulemaking comment period and notice of public conference.

SUMMARY: The purpose of this notice is to inform the public of an extension of the comment period for the subject ANPRM (45 FR 54095) to allow all persons connected with the Great Lakes bulk fleet and other interested parties to develop meaningful comments prior to the Coast Guard's regulation writing effort. Additionally, this notice is to inform the public of an open conference to be held Thursday, December 11, 1980 at Cleveland, Ohio by the Commander, Ninth Coast Guard District.

DATES: Comments must be received on or before March 1, 1981. The Conference is scheduled for December 11, 1980.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/24), (CGD 77-162), U.S. Coast Guard, Washington, D.C., 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C., 20593, (202) 426-1477, between the hours of 7 a.m. and 5 p.m., Monday through Thursday. Details concerning the public hearing location and time can be obtained from the Marine Safety Office, Cleveland, Ohio (216) 522-3944, after November 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. J. Howell, Merchant Marine Technical Division (G-MMT-5/12), Room 1206, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C., 20593, (202) 426-2187. Normal business hours are 7 a.m. to 5 p.m., Monday through Thursday.

Supplementary Information

On March 16, 1978, the Coast Guard issued an Advanced Notice of Proposed Rulemaking (ANPRM) at 43 FR 10946, concerning the development of damage stability standards for Great Lakes bulk dry cargo vessels. This ANPRM indicated that a minimum level of subdivision was under consideration, solicited comments on specific questions of a technical and economic nature, and referred to the ongoing Maritime Administration (MarAd) study of economic benefits of watertight subdivision of Great Lakes vessels. Nineteen comments were received in response to this ANPRM.

The MarAd study was completed in December 1978, and a second ANPRM was published on August 14, 1980 at 45 FR 54095, discussing some aspects of this study and soliciting further comments. The response to this second ANPRM has been minimal, indicating some lack of awareness on the part of the parties who would be effected most. To correct this deficiency, and to allow all persons connected with the Great Lakes bulk fleet as well as other interested parties to develop meaningful comments prior to the Coast Guard's regulatory drafting effort, the comment period will be extended an additional 108 days to March 1, 1981. In addition, an open public conference in Cleveland, Ohio is scheduled for December 11, 1980.

The purpose of this conference is to meet with representatives of all phases of the Great Lakes Bulk Carrier industry and any other interested persons in order to publicly examine:

(1) The background of subdivision levels of safety in the Great Lakes fleet;

(2) The feasibility of bulkheading to produce various levels of subdivision safety; and

(3) Possible alternatives to subdivision safety.

Since the loss of the S.S. *Edmund Fitzgerald*, the National Transportation Safety Board has maintained an outstanding recommendation for subdivision safety with which the Coast Guard has concurred. The two ANPRM's have produced very little in response for the Coast Guard to review prior to making its proposal for design subdivision. The period for comments on the current ANPRM is being extended until 1 March 1981 and it is hoped that this open conference will also produce meaningful comments to enable the Coast Guard to consider the alternatives more accurately before drafting a proposed rule.

Dated: November 5, 1980.

Henry H. Bell,

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

[FR Doc. 80-35071 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 63

[CC Docket No. 78-72 Phase II]

MTS and WATS Market Structure; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time.

SUMMARY: This order grants an extension of time to file comments to the *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* in *CC Docket 78-72 Phase II.*

That Report dealt with the Commission's conclusion that it should not adopt rules restricting interstate telecommunications services equivalent to MTS and WATS in the nation as a whole. This extension gives more time to Alascom to complete studies supporting its position.

DATES: Initial comments are now due December 8, 1980, and reply comments are due January 14, 1981.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Douglas Slotten, Common Carrier Bureau (202) 632-9342.

In the matter of MTS and WATS Market Structure, CC Docket No. 78–72–Phase II.

Adopted: November 3, 1980.

Released: November 4, 1980.

1. On October 22, 1980, Alascom, Inc., filed a petition for an extension of time to file comments to the Commission's *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* in *CC Docket No. 78–72–Phase II*, FCC 80–463 (released August 25, 1980).[1] The *Third Supplemental Notice* separated the question of competitive versus monopoly supply of telecommunications services in the Alaska submarket from the consideration of that issue for the remainder of the United States. In so doing, it provided Alascom with a further opportunity to support its argument that Alaska should be served on a sole source basis.

2. Alaska seeks an extension of time until December 8, 1980, in which to file initial comments, and until January 7, 1981, in which to file reply comments. In support of its request, Alascom states that it has expended considerable time in developing appropriate studies to support its position. Numerous variables must be analyzed in conducting such studies to determine the impact of competition on Alascom and its ability to serve the public. In order to permit adequate time to gather the necessary data to perform the studies and to incorporate the various assumptions and variables that are necessary, Alascom seeks a four week extension.

3. The Commission recognizes that there are a number of assumptions and/or variables which Alascom must consider in preparing its comments in response to our *Third Supplemental Notice*. The collection of the data to support these assumptions or variables and the completion of the study in these circumstances obviously takes some time. Alascom has indicated that an additional four weeks will permit it to prepare appropriate studies in support of its case. In the interest of having a complete record with which to decide the issue of entry policy in the Alaska submarket, a four week extension of time does not appear to be an unreasonable request. Therefore, we find the grant of a four week extension of time in which to file initial comments to be in the public interest. This extension of time in which to file initial comments necessitates extending the time in which to file reply comments. A similar four week extension would mean reply comments would be due on January 7, 1981. However, since this encompasses the holiday season, reply comments will be due on January 14, 1981. This action should minimize the need for additional extensions of time in this proceeding.

4. Accordingly, it is ordered, pursuant to Sections 4(i), 5(d)(1) and 303(f) of the Communications Act, as amended, and Section 0.291 of the Commission's rules, that the dates for filing comments in response to the *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking is* extended to and including December 8, 1980, and the date for filing reply comments is extended to and including January 14, 1981.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-35112 Filed 11-7-80; 8:45 am]

BILLING CODE 6712-01-M

[1] That Order initially established filing dates of October 17, 1980, for initial comments and November 17, 1980, for reply comments. Because of Commission delays in issuing the Order, the Common Carrier Bureau extended the dates at Alascom's request until November 10, 1980, and December 10, 1980, respectively. See Mimeo No. 35462.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

North Pacific Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public hearing.

SUMMARY: This notice announces that the North Pacific Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will hold a public hearing for the purpose of receiving public input on its proposed amendments to the Groundfish Fishery in the Bering Sea-Aleutian Island Area Fishery Management Plan (FMP) and draft regulations for the 1981 season.

DATES: Written comments may be submitted on or before January 1, 1981. The public hearing will be held on November 20, 1980, at 7:30 p.m.

ADDRESSES: Send written comments to: the North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510. The public hearing will be held in the Association of Village Council President's meeting room, Bethel, Alaska.

Copies of the draft Bering Sea/Aleutian Groundfish Plan are available at the Alaska Department of Fish and Game, P.O. Box 96, Bethel, Alaska 99559, Bethel Public Library, Bethel, Alaska 99559.

Limited numbers of the proposed amendment package will be available from the Executive Director, North Pacific Fishery Management Council, Suite 32, 333 West Fourth Avenue, Anchorage, Alaska 99501 (P.O. Box 3136DT, Anchorage, Alaska 99510) and the National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; telephone (907) 274–4563.

Should winter travel necessitate cancelling the meeting, notice of cancellation and a new schedule will be announced locally by telephone and radio, and when possible, by newspaper and television.

Dated: November 5, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35167 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 219
Monday, November 10, 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

Science and Education Administration

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 stat. 770–776), the Science and Education Administration, Cooperative Research, announces the following meeting:

Name: Committee of Nine.
Dates: December 4, 1980.
Time: 8:30 a.m.
Place: St. Charles Hotel, Mayflower Room, 2203 St. Charles Avenue, New Orleans, Louisiana.
Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person listed below.
Purpose: To evaluate and recomend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations.
Contact Person for Agenda and More Information: Dr. Estel H. Cobb, Recording Secretary, U.S. Department of Agriculture, Cooperative Research, Washington, D.C. 20250, telephone: 202/447–4329.

Done at Washington, D.C., this 3rd day of November 1980.

W. I. Thomas,

Administrator Cooperative Research.

[FR Doc. 80-35017 Filed 11-7-80; 8:45 am]

BILLING CODE 3410-22-M

DEPARTMENT OF COMMERCE

International Trade Administration

Aurora Pump Co. Division, General Signal Corp.; Order

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979 (Pub. L. 96.72, to be codified at 50 U.S.C. app. 2401, *et seq.)* (the Act) against Aurora Pump Company Division, General Signal Corporation (Aurora) based on allegations that Aurora violated the export Administration Regulations [15 CFR Part 368, et seq. (1978) and (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and Aurora having entered into a Consent Agreement whereby Aurora has agreed to settle this matter by payment of a civil penalty in the amount of $8,500; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement in complete settlement of the matter;

It is therefore ordered,

First, that Aurora, within 20 days of the date of service of this Order, pay to the Department, pursuant to Section 11(c)(1) of the Act, a civil penalty in the amount of $8,500;

Second, that Aurora, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations;

(a) Aurora agrees that it shall promptly communicate its compliance policy and procedures to its various employees involved in international sales, and will thereafter provide these persons with notice of all material changes which may be issued by the Department with respect to such Regulations.

(b) Aurora shall establish a final review procedure for all documents to customers in boycotting countries prior to mailing. Such review shall be conducted by persons who have been instructed about the requirements of the Act and Regulations and who will receive internal communications regarding compliance procedures.

(c) Aurora shall promptly institute an internal reporting system and educate its employees involved in international sales as to the importance of following designated procedures with respect to reporting of all reportable requests to the Department and with respect to taking appropriate exception to requests, compliance with which is prohibited, and which may occur on orders, letters of credit, requests for quotations, instructions from customers, correspondence, etc.

(d) Aurora shall conduct unannounced inspections of documents to ensure that the proper procedures have been implemented and are being followed. Such inspections shall take place at least once a calendar quarter for one year following the date of the order entered pursuant to this agreement.

Third, that the proposed Charging Letter, the Consent Agreement, and this Order be made public; and

Fourth, that Aurora submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date November 3, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-34993 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Fairco, Inc.; Order

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. 96–72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against Fairco, Inc. (Fairco) based on allegations that Fairco violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] (the Regulations) promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and Fairco having entered into a Consent Agreement whereby Fairco has agreed to settle this matter by payment of a civil penalty in the amount of $1,500 and to undertaken certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved

the terms of the Consent Agreement in complete settlement of the matter;

It is therefore ordered, First, that Fairco within 20 days of the date of service of this Order, pay to the Department, pursuant to Section 11(c)(1) of the Act, a civil penalty in the amount of $1,500;

Second, that Fairco, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations; (a) Fairco shall establish a final review procedure for all shipping documents to customers in boycotting countries prior to mailing. Such review shall be conducted by one person who has been instructed about the requirements of the Act and Regulations and who will receive internal communications regarding compliance procedures.

(b) Fairco shall verify proper distribution of memoranda and other communications regarding antiboycott compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

Third, that the Consent Agreement, the proposed Charging Letter, and this Order be made public; and

Fourth, that Fairco submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date October 17, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-34994 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (3M Company)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. 96–72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against the Minnesota Mining and Manufacturing Company, Inc. (3M) based on allegations that 3M violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M having entered into a Consent Agreement whereby 3M has agreed to settle this matter by payment of a civil penalty in the amount of $6,000 and to undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, First, that 3M, within 30 days of the service of this Order, pay to the Department the civil penalty in the amount of $6,000;

Second, that 3M, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations:

(a) 3M shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate its antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing 3M's customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

(c) 3M shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M shall, within 60 days after the date on which this Order is entered, designate an attorney from the Office of the General Counsel, whose tasks shall include giving advice pursuant to 3M's antiboycott compliance program to subsidiaries of 3M doing business with Middle East customers.

(e) 3M shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that the 3M submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-34995 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co.; Inc. et al.; Order (3M Middle East, Inc.)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. 96–72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against 3M Middle East, Inc. based on allegations that 3M Middle East, Inc. violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M Middle East, Inc. having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $2,000 and that 3M Middle East, Inc. shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, First, that 3M Middle East, Inc. shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $2,000;

Second, that 3M Middle East, Inc., to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations:

(a) 3M Middle East, Inc. shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing 3M Middle East, Inc.'s customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M Middle East, Inc. shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

(c) 3M Middle East, Inc. shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M Middle East, Inc. shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M Middle East, Inc.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M Middle East, Inc. submit a report which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-34996 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (3M France)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. No. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against 3M France based on allegations that 3M France violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M France having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $500, and that 3M France shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, First, that 3M France shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $500;

Second, that 3M France, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations:

(a) 3M France shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing 3M France's customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M France shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

(c) 3M France shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M France shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M France.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M France submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order, specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Fifth, that this Order shall be modified as necessary to reflect any amendment to the Consent Agreement made pursuant to paragraph No. 9 thereof.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-34997 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (3M Italia S.p.A.)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. No. 96.72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against 3M Italia S.p.A. (3M Italia) based on allegations that 3M Italia violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M Italia having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $500, and that 3M Italia shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, First, that 3M Italia, shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $500;

Second, that 3M Italia, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations:

(a) 3M Italia shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing 3M Italia's customers in the Middle East. Such communications shall also include education of appropriate empoloyees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M Italia shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

(c) 3M Italia shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M Italia shall, with 60 days after the date on which this Order is entered, designate a company official whose responsbilities shall include supervision of boycott request reporting under the Regulations for 3M Italia.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M Italia submit a report which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Fifth, that this Order shall be modified as necessary to reflect any amendment to the Consent Agreement made pursuant to paragraph No. 9 thereof.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administraton.

[FR Doc. 80-34998 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (3M Nederland B.V.)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. No. 96-72, to be codified at 50 U.S.C. app 2401, *et seq.*) (the Act) against 3M Nederland B.V. (3M Netherlands) based on allegations that 3M Netherlands violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M Netherlands having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $5,500 and that 3M Netherlands shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, First, that 3M Netherlands shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $5,500;

Second, that 3M Netherlands, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations:

(a) 3M Netherlands shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing 3M Netherlands' customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M Netherlands shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

(c) 3M Netherlands shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M Netherlands shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M Netherlands.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M Netherlands submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order, specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Fifth, that this Order shall be modified as necessary to reflect any amendment to the Consent Agreement made pursuant to paragraph No. 9 thereof.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-34999 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al., Order (3M Middle East, Ltd.)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. No. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.)* (the Act) against 3M Middle East, Ltd. based on allegations that 3M Middle East, Ltd. violated the Export Administration Regulations [15

CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M Middle East, Ltd. having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $57,000, and that 3M Middle East, Ltd. shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, First, that 3M Middle East, Ltd. shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $57,000;

Second, that 3M Middle East, Ltd., to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations:

(a) 3M Middle East, Ltd. shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing 3M Middle East, Ltd.'s customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M Middle East, Ltd. shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

(c) 3M Middle East, Ltd. shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M Middle East, Ltd. shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M Middle East, Ltd.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M Middle East, Ltd. submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Fifth, that this Order shall be modified as necessary to reflect any amendment to the Consent Agreement made pursuant to paragraph No. 9 thereof.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-35000 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (3M United Kingdom)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against 3M United Kingdom, Ltd. (3M United Kingdom) based on allegations that 3M United Kingdom violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M United Kingdom having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $11,000, and that 3M United Kingdom shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, first, that the 3M United Kingdom shall cause to be paid to the Department within 30 days of the service of this Order the civil penalty in the amount of $11,000;

Second, that the 3M United Kingdom, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations: (a) 3M United Kingdom shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing the 3M United Kingdom's customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M United Kingdom shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

(c) 3M United Kingdom shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M United Kingdom shall, within 60 days after the date on which this Order is entered, designate a comnpany official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M United Kingdom.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M United Kingdom submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order, specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Fifth, that this Order shall be modified as necessary to reflect any amendment to the Consent Agreement made pursuant to Paragraph No. 10 thereof.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-35001 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (3M Belgium)

The Office of Antiboycott Compliance, International Trade Aministration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. No. 96-72, to be codified at 50 U.S.C. app. § 2401, *et seq.*) (the Act) against 3M Belgium S.A./N.V. (3M Belgium) based on allegations that 3M Belgium violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. § 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M Belgium having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $7,000 and that 3M Belgium shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, first, that the 3M Belgium shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $7,000;

Second, that the 3M Belgium, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations: (a) 3M Belgium shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing 3M Belgium's customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipents of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M Belgium shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

(c) 3M Belgium shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) 3M Belgium shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M Belgium.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M Belgium submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Fifth, that this Order shall be modified as necessary to reflect any amendment to the Consent Agreement made pursuant to paragraph No. 10 thereof.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-35002 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (3M Deutschland GmbH)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. No. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against 3M Deutschland GmbH (3M Deutschland) based on allegations that 3M Deutschland violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app § 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and 3M Deutschland having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $47,000, and that 3M Deutschland shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, first, that the 3M Deutschland shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $47,000;

Second, that the 3M Deutschland, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations: (a) 3M Deutschland shall, within 60 days after the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing the 3M Deutschland's customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) 3M Deutschland shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

(c) 3M Deutschland shall, within 60 days after the date on which this Order is entered, append appropriate, prominent warnings in German to the German Chamber of Commerce Shippers' Guide that is used by personnel at the 3M Deutschland warehouse in Reisholz, Germany, indicating that certain certificates and statements recommended by the Guide violate United States law and specific 3M Deutschland company policy, and

that such certificates and statements may not be used when goods in U.S. commerce (as defined by the Regulations) are involved.

(d) 3M Deutschland personnel shall inspect randomly selected documents at the Eurospa warehouse in Reisholz, Germany, to ensure that 3M's antiboycott compliance program is being fully followed. Such inspection shall take place at least two times prior to 3M Deutschland's report as mandated by this Order.

(e) 3M Deutschland shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(f) 3M Deutschland shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M Deutschland.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M Deutschland submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken place at least two times prior to 3M Deutschland's report as mandated by this Order.

(e) 3M Deutschland shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(f) 3M Deutschland shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for 3M Deutschland.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that 3M Deutschland submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Fifth, that this Order shall be modified as necessary to reflect any amendment to the Consent Agreement made pursuant to paragraph No. 10 thereof.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-35003 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

Minnesota Mining & Manufacturing Co., Inc. et al.; Order (Bird Corp.)

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against Bird Corporation based on allegations that Bird Corporation violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and Bird Corporation having entered into a Consent Agreement whereby the parties have agreed that, in settlement of this matter, the Department shall be paid a civil penalty in the amount of $1,000 and that Bird Corporation shall undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement;

It is therefore ordered, First, that Bird Corporation shall cause to be paid to the Department, within 30 days of the service of this Order, the civil penalty in the amount of $1,000;

Second, that Bird Corporation, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations: (a) Bird Corporation shall, within 60 days of the date on which this Order is entered, instruct its legal counsel to communicate Minnesota Mining & Manufacturing Company's (3M) antiboycott compliance program, as issued on January 10, 1979, and revised thereafter, to the department responsible for invoicing the Bird Corporation's customers in the Middle East. Such communications shall also include education of appropriate employees concerning requirements of the Act and the Regulations; establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures; and establishing direct communications between the legal counsel and appropriate personnel for questions.

(b) Bird Corporation shall, within 60 days after the date on which this Order is entered, verify proper distribution of memoranda and other communications regarding antiboycott regulation compliance measures by identification of appropriate recipients and acknowledgment of receipt by the designated recipients.

(c) Bird Corporation shall implement its existing plan for annual antiboycott compliance audits of selected Middle Eastern transactions. There shall be at least two such audits.

(d) Bird Corporation shall, within 60 days after the date on which this Order is entered, designate a company official whose responsibilities shall include supervision of boycott request reporting under the Regulations for Bird Corporation.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that Bird Corporation submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within nine months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date October 30, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-35004 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, proposes to grant to Neurobiological Systems Inc. a limited exclusive right in the United States and in some or all of a group of foreign countries including Denmark, France, Great Britain, Japan, Luxembourg, Sweden, Switzerland and West Germany for the manufacture, use and worldwide sale of the products embodied in an invention on a "Radioreceptor Assay for Benzodiazepines in Plasma and Other Biological Specimens," protected by U.S. Patent Application No. 949,689 (dated October 10, 1978).

This patent has been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

Copies of the patent application may be purchased from the National Technical Information Service, Springfield, Virginia 22161 at a cost of five dollars per copy. Public announcements of the availability of this invention for licensing were published in the **Federal Register** on April 20, 1979 (44 FR 23554); in the NTIS publication *Government Inventions for Licensing* on April 24, 1979; and in the *Official Gazette* of the Patent and Trademark Office on May 15, 1979. To date, these and other promotional efforts have not resulted in any applications for, or the granting of, nonexclusive licenses under this patent. The Director of NTIS has therefore determined, in accordance with 41 CFR 101–4.103–3, that this invention is available for licensing on a limited exclusive basis.

The limited exclusive license proposed to be granted will be a royalty-bearing license for a term of five years from the effective date of the license agreement. The license will be revocable in accordance with 41 CFR 101–4.104.5.

The proposed license will be subject to an irrevocable, nonexclusive, nontransferable, royalty-free right in the U.S. Government to make, use or sell the licensed invention throughout the world by or through contract on behalf of the U.S. Government or any foreign government pursuant to a treaty or agreement with the United States.

The proposed license will be granted by NTIS to Neurobiological Systems unless, on or before January 9, 1981, NTIS receives (1) an application for a nonexclusive license from a responsible U.S. applicant intending to practice the invention identified herein in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time under a nonexclusive license; or (2) written evidence and argument which establishes that it would not be in the public interest to grant the proposed limited exclusive license to Neurobiological Systems.

Written data, inquiries, comments and objections relating to this proposed limited exclusive license should be submitted to the Office of Government Inventions and Patents, National Technical Information Service, Springfield, VA 22161. NTIS shall maintain and make available for public inspection a record of all decisions made in this matter and the basis therefor. This record shall contain copies of all written data, inquiries, comments and objections received by NTIS and pertaining to the proposed limited exclusive license.

Dated: October 31, 1980.

Melvin S. Day,

Director.

[FR Doc. 80-35014 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

Office of Productivity, Technology, and Innovation: Implementation of Title IV of Trade Agreements Act of 1979 (Pub. L. 96–39)

AGENCY: Assistant Secretary of Commerce for Productivity, Technology, and Innovation.

As required by Section 412 of the Trade Agreements Act of 1979 and Section 1–103(a) of Executive Order 12188 of January 2, 1980 (45 FR 989, January 4, 1980), the Secretary of Commerce has initiated a Technical Office to perform certain implementing functions with respect to standards, testing, and certification activities for nonagricultural products. That office ("Technical Office/Title IV Implementation") is located within the Office of Product Standards Policy which is a constituent unit of the Office of Productivity, Technology, and Innovation (OPTI).

The functions of the Technical Office relate to: provision of information on foreign proposed standards and certification systems; adequate representation of U.S. trade interests in international standards organizations; coordination of technical work regarding possible bilateral and international arrangements concerning reciprocal acceptance of testing and certification; provision of other technical assistance and related advice regarding measures for taking advantage of the trade opportunities created by the Agreement on Technical Barriers to Trade (the so-called "Standards Agreement"); and provision of coordination services with other parts of the Department of Commerce and with the Office of the U.S. Trade Representative.

Anyone interested in the work of the Technical Office should write to the Program Manager, Technical Office, Title IV Implementation, Office of Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230

Dated: November 5, 1980.

Jordan J. Baruch,

Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 80-34913 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Manmade Fiber Textile Products From the Republic of the Philippines

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling women's, girls' and infants' coats of man-made fibers in Category 635(pt.) (all T.S.U.S.A. numbers in the category except 382.7828), produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1980, at a level of 196,419 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53502)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of man-made fiber textile products in Category 635(pt.) (all T.S.U.S.A. numbers in the category except 382.7828), produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1980, in addition to those categories previously designated.

EFFECTIVE DATE: November 12, 1980.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 26, 1979, there was published in the **Federal Register** a letter dated December 19, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States

for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of man-made fiber textile products in Category 635pt. (all T.S.U.S.A. numbers in category except 382.7828) during that same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of manmade fiber textile products in Category 635pt. (all T.S.U.S.A. numbers in the category except 382.7828) in excess of 196,419 dozen. The level of restraint has not been adjusted to account for any imports after December 31, 1979. Imports in the category during the period which began on January 1 and extended through August 31, 1980 have amounted to 110,949 dozen and will be charged. When the data become available, further import charges will be made for the period which began on September 1, 1980 and extends to the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

United States Department of Commerce
International Trade Administration,
Washington, D.C., November 5, 1980.

Committee for the Implementation of Textile Agreements,
Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on November 12, 1980, and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 635pt., produced or manufactured in the Philippines, in excess of the following level of restraint:

Category and Twelve-Month Level of Restraint [1]

635pt.[2]—196,419 dozen.

Manmade fiber textile products in the foregoing category which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Manmade fiber textile products in the foregoing category which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484 (1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53506)).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-35050 Filed 11-7-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979. Imports during the period January–August 1980 have amounted to 110,949 dozen.

[2] In Category 635, all T.S.U.S.A. numbers except T.S.U.S.A. 382.7828.

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Proposed Resolution Pertaining to the 90-Day United States Treasury Bill Futures Contract of the Chicago Mercantile Exchange

The Commodity Futures Trading Commission, in accordance with Section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-408, § 12, 92 Stat. 871 (1978), has determined that a proposed resolution of the Chicago Mercantile Exchange ("CME" or "Exchange") concerning the addition of five (5) trading months in the 90-Day United States Treasury Bill futures contract is of major economic significance.

Pursuant to rule 3202A of the CME,[1] the Exchange has proposed by resolution the addition of the following delivery months in the January cycle of the 90-Day United States Treasury Bill futures contract: July 1982; October 1982; January 1983; April 1983; and July 1983. The delivery months would be listed for trading over a period of ten months..

Any person interested in submitting written data, views, or arguments on the proposed resolution should send comments by December 10, 1980 to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C., on November 5, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-34977 Filed 11-7-80; 8:45 am]

BILLING CODE 6351-01-M

[1] Rule 3202A of the CME governing trading months and hours in the Exchange's 90-Day United States Treasury Bill futures contract provides as follows: Futures contracts shall be scheduled for trading during such hours and delivery in such months as may be determined by the Board of Governors, subject to the requirement that all such determinations and other actions implementing such determinations be submitted to the Commodity Futures Trading Commission in accordance with the provisions of Section 5a(12) of the Commodity Exchange Act and all Commission regulations adopted thereunder. 45 FR 51520 (August 1, 1980).

DEPARTMENT OF DEFENSE

Department of the Air Force

Senior Executive Service; Schedule for Awarding Bonuses

Notice is hereby given that the Department of the Air Force will be paying Senior Executive Service bonuses no earlier than 14 days from this date and no later than 30 November 1980.

For further information, contact the Senior Executive Service Management Office at (202) 695-5989.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-34947 Filed 11-7-80; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Conduct of Employees

Robert L. Ferguson; Waiver Pursuant to section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91).

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91) authorizes the Secretary of Energy to waive the post-employment restrictions of section 605(a)(1) of the Department of Energy Organization Act, to permit a former employee with outstanding scientific or technological qualifications to make appearances before or communications to the Department in connection with a particular matter in a scientific or technological field, where it has been determined that such a waiver would serve the national interest.

It has been established to my satisfaction that Robert L. Ferguson, formerly Deputy Assistant Secretary for Nuclear Reactor Programs, has outstanding scientific and technological qualifications in the fields of nuclear physics and engineering, reactor development, and nuclear plant construction and operation. I am further satisfied that it will serve the national interest to permit him, in his capacity as Managing Director/Chief Executive Officer of the Washington Public Power Supply System—

(1) With respect to the New Plutonium Production Reactor (NPR) of the Department of Energy, to confer with the Manager of the Richland Operations Office of the Department on the purchase of NPR generated steam by the Washington Public Power Supply System, and to confer with the Administrator of the Bonneville Power Administration on the sale of electricity produced from the steam by the Washington Public Power Supply System to the bonneville Power Administration, and

(2) With respect to the Net Billed Projects (nuclear powerplants) of the Washington Public Power Supply System, to confer with the Administrator of the Bonneville Power Administration on management of the projects, including determination of cost of electricity generated, utilization of technology, and scheduling and financing of construction and operations of the projects.

I am also satisfied that these activities require the qualifications stated.

I have, therefore, waived the post-employment appearance and communication prohibitions of section 605(a)(1) of the Department of Energy Organization Act, with respect to contact with officials of the Richland Operations Office of the Department of Energy and of the Bonneville Power Administration by Mr. Robert L. Ferguson to permit him to undertake the stated activities in his capacity as Managing Director/Chief Executive Officer of the Washington Public Power Supply System.

Dated: October 3, 1980.

Charles W. Duncan, Jr.,

Secretary of Energy.

[FR Doc. 80-34917 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-01-M

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Fiber Materials, Inc., of Biddeford, Maine, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 3,577,344, entitled "Fibrous Thermal Insulation and Method of Making Same." The patent is owned by the United States of America, as represented by the Department of Energy (DOE). The patent relates to a lightweight, high-temperature, thermal insulating material, exhibiting the capability of being readily machineable into relatively intricate configurations.

The proposed license will have a duration of five years and will contain other terms and conditions to be negotiated by the parties, in accordance with 42 U.S.C. 5908(h) and 10 CFR Part 781. DOE will grant the license unless within 60 days of this Notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to manufacture, use, or sell the invention in the United States in accordance with Title 10 CFR 781, in which the applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical or commercial application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this Notice. The license will be granted if a determination can be made by DOE, following expiration of the 60-day notice period, (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical or commercial application within a reasonable period and (ii) that the granting of the license would be in the public interest after consideration of all the facts, evidence, and argument which third parties may present to the Assistant General Counsel for Patents.

Third parties who participate as outlined above are further advised of their right to appeal any decision of the Assistant General Counsel for Patents concerning the grant of the proposed exclusive license or the denial of any application for a nonexclusive license under the subject patent. Such appeal shall be in accordance with the appeal procedures of 10 CFR 781.51, including the right to request an oral hearing.

Eric J. Fygi,

Acting General Counsel, Department of Energy.

November 4, 1980.

[FR Doc. 80-35079 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Orange and Rockland Utilities, Inc., Changed Circumstances Concerning a Certification Issued for the Use of Natural Gas to Displace Fuel Oil

[ERA Docket No. 80-CERT-024]

On July 24, 1980, the Economic Regulatory Administration (ERA) issued to Orange and Rockland Utilities, Inc. (Orange and Rockland), One Blue Hill Plaza, Pearl River, New York 10965, a recertification (80-CERT-024, 45 FR 50625, July 30, 1980) of an eligible use of natural gas for up to 50,000 Mcf per day to displace fuel oil at Orange and Rockland's Lovett Plant and/or Bowline Point generating facilities located in Rockland County, New York, pursuant to 10 CFR Part 595 (44 FR 37920, August 16, 1979). The eligible seller of the gas is the East Tennessee Natural Gas Company. The certification was issued for a one-year period ending on July 23, 1981, unless the Federal Energy Regulatory Commission regulations in 10 CFR Part 284, Subpart F, required termination prior to that time. The ERA fuel oil displacement certification program currently ends under those regulations on May 31, 1980.

On October 14, 1980, Orange and Rockland notified the ERA that it proposes to store a portion of the natural gas certified by ERA for oil displacement with the Texas Gas Transmission Company, P.O. Box 1160, Owensboro, Kentucky 42301. The stored gas will be redelivered to Orange and Rockland during the period November, 1980 through April, 1981. Orange and Rockland indicates that the gas placed in storage will be withdrawn and used to displace fuel oil at its Lovett Plant and/or Bowline Point generating facilities prior to May 31, 1981. Thus,

Orange and Rockland states that all of the natural gas certified as an eligible use will be used by it to displace fuel oil during the term of the certificate. More detailed information is contained in the Orange and Rockland application and letter discussing these changed circumstances on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning the storage and redelivery of this gas to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–55, 2000 M Street, NW., Washington, D.C. 20461, Attention: Mr. Albert F. Bass, on or before November 20, 1980.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this certification may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Orange and Rockland and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on November 3, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-34918 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-01-M

Petro-Lewis Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Kenneth E. Merica, District Manager, Rocky Mountain District, Economic Regulatory Administration, Department of Energy, 1075 South Yukon Street, Post Office Box 26247, Belmar Branch, Lakewood, Colorado, 80226; phone (303) 234–3195.

SUPPLEMENTARY INFORMATION: On September 30, 1980, 45 Fed. Reg. 64629, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a proposed Consent Order with Petro-Lewis Corporation on August 28, 1980 which would not become effective sooner than thirty days after publication. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the proposed Consent Order.

Although interested persons were invited to submit comments regarding the proposed Consent Order to the DOE, no comments were received. The proposed Consent Order has therefore been finalized.

Issued in Lakewood, Colo., on the 31st day of October 1980.

Kenneth E. Merica,

District Manager, Rocky Mountain District, Economic Regulatory Administration.

Concurrence by:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-34916 Filed 11-7-80; 8:45 am]

BILLING CODE: 6450-01-M

[Docket No. ERA-APS-78-4]

Getty Oil Co.; Application for Designation as a Producer of Petroleum Substitute in the Domestic Crude Oil Allocation Program for Oil-Impregnated Diatomaceous Earth

Decision and Order

I. Introduction

On January 4, 1979, the Getty Oil Company, 3810 Wilshire Blvd., Los Angeles, California 90010, submitted to the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of a petroleum substitute pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program). The application was received by ERA on January 8, 1979. Additional environmental information was submitted by Getty on August 4, 1980 and received by ERA on August 18, 1980.

ERA is issuing this Decision and Order pursuant to Subpart G of 10 CFR Part 205 (Administrative Procedures and Sanctions) and § 211.67(a)(5) of Subpart C of 10 CFR Part 211 (Mandatory Petroleum Allocation Regulations).

II. Regulatory Authorities

Section 211.62 of the Mandatory Petroleum Allocation Regulations provides that upon application the ERA may designate on a case-by-case basis a liquid synthetic fuel as a petroleum substitute if it is found that the liquid synthetic fuel is derived from a domestic source specified in § 211.62 and is used as a feedstock to a refinery, a blending feedstock in a refinery or as a boiler fuel in a refinery or elsewhere.

ERA may deny the application for designation as a petroleum substitute producer if it finds that the process by which the liquid synthetic fuel is produced does not result in a net energy gain or does not result in a higher-valued fuel when the quantity and type of fuels consumed in the process are considered, especially if a substantial amount of a relatively scarce fuel is consumed.

ERA may designate the producer, marketer, or consumer of the petroleum substitute as the party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

III. Analysis of Getty Oil Company's Petroleum Substitute Application

Getty Oil Company (Getty) submitted its application on January 4, 1979 for petroleum substitute benefits in the Entitlements Program. Getty is proposing a facility which will produce by the retort process 20,000 barrels per stream day (BPSD) of crude oil from 32,000 tons/day from oil-impregnated diatomite ore or will produce by the solvent extraction process 24,500 BPSD of crude oil from 37,000 tons/day from oil-impregnated diatomite ore. Crude oil recovered by the solvent extraction process would be suitable for use only as a refinery feedstock but the crude oil recovered by the retort process would be suitable for use as refinery feedstock, blending feedstock, or directly as fuel in a refinery or elsewhere.

The proposed processes by which Getty will produce the oil from the oil-impregnated diatomite ore are as follows:

(A) Lurgi Ruhrgas Retort Process.—1. The oil-impregnated diatomite ore is mined, crushed to less than ¼ inch size and then mixed with water in a slurry.

2. The slurry of crushed diatomite has the water removed in a steam-heated drying kiln.

3. The oil-impregnated diatomite is heated to 900° F in a retort where the volatiles are vaporized and removed.

4. The volatiles are cooled and condensed and the separation of gas, oil, and water is effected.

(B) Dravo Solvent Extraction Process.—1. The oil-impregnated diatomite ore is mined, crushed to less than ¼ inch size, and mixed with solvent in a slurry.

2. The diatomite-solvent slurry is pumped into extraction-thickeners where the flow of solvent and diatomite in countercurrent fashion removes the oil from the diatomite ore.

3. The oil-bearing solvent is then pumped to a miscella clarifier where the fine particles are settled and filtered out.

4. The oil-rich solvent is then processed by multiple effect evaporators which remove most of the solvent from the oil.

5. Finally, an oil stripper removes the remaining solvent from the oil. The oil is sent to the pipeline and the solvent is returned into the process.

The oil-impregnated diatomite mined by Getty will yield crude oil or unfinished oil as described in the application. The yield of the retort process (Getty Application Attachment III, page 7) is described as follows:

"The oil recovered from the Lurgi Ruhrgas retort process is a partially cracked product. However, it can be hydrotreated to yield an 18° API gravity oil of low sulfur content."

The yield of the solvent extraction process (Getty Application Attachment III, page 8) is described as follows:

"Oil recovered by the Dravo solvent extraction process is anticipated to be equivalent to the oil shown in exhibit F."

The energy requirements of the two proposed processes and their resultant products demonstrate that both should yield a positive energy balance as follows:

(A) Retort Process

1. Energy Produced 20,000 bbls/Day @ 6.35 mmbtu/bbl=127,000 mmbtu/Day.

2. Energy Consumed=1434.3 mmbtu/Day.

3. Net Energy Gain=Energy Produced − Energy Consumed=127,000 mmbtu/Day − 1,434.3 mmbtu/Day=125,565.7 mmbtu/Day.

(B) Solvent Extraction Process

1. Energy Produced 24,500 bbls/Day @ 6.4 mmbtu/bbl=156,800 mmbtu/Day.

2. Energy Consumed=17,263 mmbtu/Day.

3. Net Energy Gain=Energy Produced − Energy Consumed=156,800 mmbtu/Day − 17,263 mmbtu/Day=139,537 mmbtu/Day.

The synthetic fuel for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in § 211.62. The case-by-case applications portion of the definition states:

"(b), As designated in orders issued by ERA following review of applications submitted under Subpart G of Part 205 of this chapter, (1) Any other fuel derived from domestically found solid-waste materials; or (2) Any other fuel in a liquid form which is derived from domestic biomass, coal, or tar sands."

The source material in Getty's application is oil-impregnated diatomaceous earth. It is the ERA's determination that oil-impregnated diatomaceous earth is in the category of tar sands as evidenced by the known characteristics of the formation and as represented by Getty in the application.

The final determination to be made concerns an environmental evaluation, under the National Environmental Protection Act (NEPA) of 1978. For the purpose of making that determination, a copy of the Getty application was forwarded to the Assistant Secretary for the Environment. The Assistant Secretary has completed her review of the application and has found that an Environmental Impact Statement (EIS) is required before a final NEPA determination on the Getty application could be made.

ERA finds therefore that the Getty application cannot be approved for the following reasons:

(1) An EIS would be required before a NEPA determination could be finalized.

(2) The generation of an EIS will require approximately one year.

(3) The Entitlements Program will expire on October 1, 1981.

(4) The Getty facility will not be operational prior to October 1, 1981.

In summary, Getty is proposing a facility and two processes which:

(1) Will produce a liquid (crude oil, or unfinished oil);

(2) Will market the crude oil, or unfinished oil as boiler fuel or refinery feedstock;

(3) Will have a net energy gain in the processes as proposed;

(4) Will produce the crude oil from oil-impregnated diatomaceous earth which is from domestic tar sands.

(5) Will not be in operation prior to expiration of the Entitlements Program and is environmentally still under review by the State of California.

IV. Decision

Although the application meets most of the requirements of the regulations to qualify as a producer of a petroleum substitute, ERA hereby denies the application of Getty Oil Company for designation as a producer of a petroleum substitute, under 10 CFR 211.62 and 211.67(a)(5). This denial is based upon environmental considerations previously discussed in this Decision and Order.

In accordance with the provisions of 10 CFR, Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR Part 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C. on October 17, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-35080 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued November 4, 1980.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
*A L HERNDON & MORRIS CANNAN					RECEIVED: 10/24/80 JA: TX			
810246	07559	4217531056	103		ERWIN LANDGREBE #1	BRANDT	200.0	TEXAS EASTERN TRANSM
810246	07560	4217531074	103		L W NOSTER GAS UNIT #1	BRANDT	100.0	TEXAS EASTERN TRANSM
*ADOBE OIL & GAS CORPORATION					RECEIVED: 10/24/80 JA: TX			
810252	17551	4247531885	103		BARSTOW 15 NO 1	SCOTT (CHERRY CANYON)	360.0	TRANSWESTERN PIPELIN
*ALFRED J SMITH					RECEIVED: 10/24/80 JA: TX			
810244	12352	4217900000	108		G H SAUNDERS NO 1 (25877)	PANHANDLE EAST	4.0	COLTEXO CORP
*AMERADA HESS CORPORATION					RECEIVED: 10/24/80 JA: TX			
810243	07022	4216531391	103		ADAIR SAN ANDRES UNIT #1205R	ADAIR	20.0	PIONEER NATURAL GAS
*AMOCO PRODUCTION CO					RECEIVED: 10/24/80 JA: TX			
810268	20496	4236530975	103		CARTHAGE GAS UNIT 18 NO 1	CARTHAGE/COTTON VALLEY/	436.0	TENNESSEE GAS PIPELI
810274	20909	4239130557	103		EL DSO CATTLE #19	WOODSBORO SOUTH/4200/	16.4	LA ROSA CORPURATION
810274	20908	4239131162	103		EL DSO CATTLE #23	WOODSBORO SOUTH/4200/	3.7	LA ROSA CORPURATION
810273	20904	4239131230	103		EL DSO CATTLE #25	M E OCONNOR/STRAY A/	25.5	THE LA ROSA CORPORAT
810274	20907	4239131220	103		EL DSO CATTLE #28	M E OCONNOR/STRAY A/	91.3	THE LA ROSA CORPORAT
810273	20906	4239131219	103		EL DSO CATTLE #29	MARY ELLEN OCONNOR/5000/	22.6	LA ROSA CORPURATION
810273	20905	4239131228	103		EL DSO CATTLE #30	M E OCONNOR/FQ-30/	49.3	LA ROSA CORPURATION
*810272	20703	4203931440	103		MIRAM MOORE C #23	HASTINGS WEST	62.0	AMOCO GAS COMPANY
810251	17121	4239530675	103		J B WATERFIELD C #2	NW MENDOTA (MORROW UPPER	234.0	MICHIGAN WISCONSIN P
810254	18265	4221932685	103		LEVELLAND UNIT #753	LEVELLAND	1.0	EL PASO NATURAL GAS
810258	19394	4221932696	103		LEVELLAND UNIT #754	LEVELLAND	0.0	EL PASO NATURAL GAS
810258	19395	4221932695	103		LEVELLAND UNIT #755	LEVELLAND	0.0	EL PASO NATURAL GAS
810274	20915	4239130585	103		M E OCONNOR #44	M E OCONNOR/FQ-9/	102.0	LA ROSA CORPORATION
810274	20914	4239130597	103		M E OCONNOR #47	MARY ELLEN OCONNOR/5000/	73.0	LA ROSA CORPORATION
810274	20912	4239131249	103		M E OCONNOR #52	M E OCONNOR/FQ-9/	43.8	LA ROSA CORPORATION
810274	20910	4239131252	103		M E OCONNOR #53	M E OCONNOR/FQ-40/	37.5	LA ROSA CORPORATION
810274	20911	4239131250	103		M E OCONNOR #54	M E OCONNOR/FQ-40/	21.9	LA ROSA CORPORATION
810265	20132	4219500000	108		MARGARETE BRUNER #1	HANSFORD	19.7	NORTHERN NATURAL GAS
810269	20540	4220330626	103		SANDERS GAS UNIT NO 3	WOODLAWN/COTTON VALLEY/	436.0	EAST TEXAS INDUSTRIA
810250	17035	4222731732	103		TEX LAND/MTGE CO /A/ R/A /B/ #93	IATAN EAST/HOWARD/	1.5	GETTY OIL CO
810244	13602	4203931868	103		W J MILLER ESTATE NO 6	HASTINGS EAST	19.0	AMOCO GAS CO
*810246	15186	4203931378	103		WOOSTER W B #13	HASTINGS WEST	40.0	TEXAS EASTERN TRANS
*ARCO OIL AND GAS COMPANY					RECEIVED: 10/24/80 JA: TX			
810245	14016	4221530901	103		BUCHANAN GAS UNIT NO 3	DONNA	72.0	TENNESSEE GAS PIPELI
810247	15239	4213504557	108		GOLDSMITH CUMMINS DEEP UNIT #100	GOLDSMITH (CLEARFORK)	5.0	PHILLIPS PETROLEUM C
810273	20882	4223500450	108		KETCHUM MOUNTAIN CLFK UNIT #54-9	KETCHUM MOUNTAIN	4.4	J L DAVIS
810247	15603	4217900000	108		M B LEOPOLD #3	PANHANDLE	7.0	GETTY OIL CO
810247	15604	4217900000	108		M B LEOPOLD #4	PANHANDLE	7.0	GETTY OIL CO
810247	15605	4217900000	108		M B LEOPOLD #5	PANHANDLE	7.0	GETTY OIL CO
810247	15606	4217900000	108		M B LEOPOLD #7	PANHANDLE	7.0	GETTY OIL CO
*ART MACHIN & ASSOCIATES INC					RECEIVED: 10/24/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102688	20497	4220330676	103		HOWARD HEIRS #1-A		150.0	MISSISSIPPI RIVER TR
-B & M OPERATING CO INC					RECEIVED: 10/24/80 JA: TX			
8102585	19446	4213133992	103		ZADIK UNIT NO 1	NEELY (BRUNI 1900)	150.0	VALERO TRANSMISSION
-B B C OIL OPERATING CO					RECEIVED: 10/24/80 JA: TX			
8102697	20614	4236731293	103		BRAWLEY NO 1 (85357)	POOLVILLE W (ATOKA)	40.0	NATURAL GAS PIPELINE
-BAR-MAC & MOLLUS DRILLING CO					RECEIVED: 10/24/80 JA: TX			
8102625	19850	4205130413	103		PRECISION HOMES #1	INEZ JAMESON (NAVARRO) A	50.0	FURGOSON CROSSING PI
-BERT FIELDS JR					RECEIVED: 10/24/80 JA: TX			
8102748	20932	4220330581	103		J MASSINGALE #2		180.0	TEXAS EASTERN TRANSM
-BETTIS BOYLE & STOVALL					RECEIVED: 10/24/80 JA: TX			
8102457	14215	4242900000	108		C K WEST #2	ECHOLS (MARBLE FALLS)	21.2	LONE STAR GAS CO
8102459	14217	4242900000	108		C K WEST #3	ECHOLS (MARBLE FALLS)	19.5	LONE STAR GAS CO
8102456	14214	4242900000	108		C K WEST NO 1	ECHOLS (MARBLE FALLS)	20.1	LONE STAR GAS CO
8102458	14216	4242900000	108		C K WEST NO 4	ECHOLS (MARBLE FALLS)	21.7	LONE STAR GAS CO
-BILL FORNEY INC					RECEIVED: 10/24/80 JA: TX			
8102699	20629	4229732021	102		J T LYNE #3	CHARLINE (FORNEY 4-C) FI	700.0	TRANSCONTINENTAL GAS
8102699	20629	4229732021	103		J T LYNE #3	CHARLINE (FORNEY 4-C) FI	700.0	TRANSCONTINENTAL GAS
-BLADE OIL CO					RECEIVED: 10/24/80 JA: TX			
8102646	20064	4223300000	103		SANFORD #6 (04278)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
-BLAKE HAMMAN					RECEIVED: 10/24/80 JA: TX			
8102440	10446	4223700000	108		FRICK STRICKLAND 1-C 31243	DARNER HAMMON BEND CONGL	21.0	CITIES SERVICE CO
8102441	10448	4223700000	108		MC KENZIE 39397	DARNER HAMMON BEND CONGL	20.0	CITIES SERVICE CO
-BONANZA PETROLEUM INC					RECEIVED: 10/24/80 JA: TX			
8102450	13965	4235531332	103		SOVEREIGN #1 COUNTIES	AGUA DULCE	50.0	ESPERANZA TRANSMISSI
-CHALLENGE OIL & GAS					RECEIVED: 10/24/80 JA: TX			
8102549	18431	4205130463	103		JOHN CONDEN #2	NOACK COW HERD (3460)	36.0	FERGUSON CROSSING PI
-CHALMERS OPERATING CO INC					RECEIVED: 10/24/80 JA: TX			
8102554	18699	4208130828	103		J W ARLEDGE JR 262 (98703)	ARLEDGE (PENN SAND)	35.0	SUN OIL COMPANY
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 10/24/80 JA: TX			
8102613	19572	4245100000	103		DUFF ESTATE A-3	DOVE CREEK FIELD	7.3	NORTHERN NATURAL GAS
*8102576	19347	4224931072	103		G P WARDNER NO 141	STRATTON	45.0	TENNESSEE GAS PIPELI
-CHAPMAN OIL CO					RECEIVED: 10/24/80 JA: TX			
8102481	15836	4215730988	102		RICHTER NO 1-L	TAVENER (COOK MOUNTAIN)	1292.0	LONE STAR GAS CO
8102482	15837	4215730988	102		RICHTER NO 1-U	KODYTEK (YEGUA)	556.0	LONE STAR GAS CO
8102515	07183	4215731002	102		VORPHAL NO 1	TAVENER (COOK MOUNTAIN 7	0.0	LONE STAR GAS CO
-CHEVRON U S A INC					RECEIVED: 10/24/80 JA: TX			
*8102430	05684	4236930945	102		REEVES-STATE 1-14	MARSH S	149.7	LOVACA GATHERING CO
-COCKRELL CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102452	14062	4200730614	102		STATE TRACT 253 #2	NUARC W (J-2)	300.0	
-CONOCO INC					RECEIVED: 10/24/80 JA: TX			
8102530	17696	4238900000	108		FORD GERALDINE UNIT #173 (21021)	GERALDINE FORD	0.1	EL PASO NATURAL GAS
8102644	20022	4238900000	108		FORD GERALDINE UNIT #182 (#21021)	GERALDINE FORD	0.1	EL PASO NATURAL GAS
8102531	17752	4200300000	108		MUNGER - NIX #22 (10694)	FUHRMAN-NIN	0.6	PHILLIPS PET CO
8102532	17753	4200300000	108		MUNGER-NIX #26 (10694)	FUHRMAN-NIX	0.6	PHILLIPS PET CO
8102533	17754	4238300000	108		UNIVERSITY #6 (00229)	BIG LAKE	0.7	DORCHESTER GAS PROD
8102483	15876	4247932316	103		WILLIAM HUBBERD D NO 16 83022	LAREDO (LOBO)	400.0	LOVACA GATHERING CO
-COTTON PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102671	20181	4229530286	103		BORN B NO 2	MAMMOTH CREEK-(NORTH CLE	30.0	DIAMOND SHAMROCK
-DAVID A SCHLACHTER OIL & GAS					RECEIVED: 10/24/80 JA: TX			
8102469	15229	4239900000	108		B C DORSEY NO 1	HENDERSON (RUSK CO PETTI	16.1	UNITED GAS PIPE LINE
-DELRAY OIL INC					RECEIVED: 10/24/80 JA: TX			
8102610	19554	4208331911	103		BERTIE E STONE NO 1	WILDCAT	0.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102611	19555	4206331938	103		BERTIE E STONE NO 2	WILDCAT	0,0	LONE STAR GAS CO
8102612	19556	4206331941	103		BERTIE E STONE NO 3	COLEMAN COUNTY REGULAR	5,0	LONE STAR GAS CO
8102670	20176	4206331944	103		BERTIE E STONE NO 4	COLEMAN COUNTY REGULAR	2,0	LONE STAR GAS CO
*DELTA DRILLING CO					RECEIVED: 10/24/80 JA: TX			
8102555	18721	4234730437	103		E E THOMAS #1	TRAWICK (TRAVIS PEAK)	310,0	TEJAS GAS CORPORATIO
8102677	20368	4236530610	102		LOUIS WERNER #1 (#74633)	CARTHAGE SE (COTTON VALL	447,6	WESTERN GAS CORPORAT
8102678	20370	4236500000	102		WRIGHT-THOMEY #1 (#76791)	CARTHAGE SE (COTTON VALL	320,9	WESTERN GAS CORPORAT
*DIAMOND SHAMROCK CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102428	05496	4235700000	108		H T GLASGOW NO 1	ELLIS RANCH	8,0	NATURAL GAS PIPELINE
*DILLEY PRODUCTION CO					RECEIVED: 10/24/80 JA: TX			
8102680	20400	4208730138	103		BREEDING J C #1	PANHANDLE EAST	0,0	EL PASO NATURAL GAS
*DOUGLAS PETROLEUM CONSULTANTS INC					RECEIVED: 10/24/80 JA: TX			
8102550	18433	4213100000	103		E A BUCHANNAN NO 1	WILLIFORD (1650)	85,0	TEXAS EASTERN TRANSM
*EDWIN L COX					RECEIVED: 10/24/80 JA: TX			
8102516	17187	4212330995	103		BUEHRIG #5-U	COTTONWOOD CREEK SOUTH	180,0	LONE STAR GAS CO
*ENSERCH EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8102706	20660	4249700000	108		A Y BOGY B NO 1	BOONSVILLE	14,0	LONE STAR GAS COMPAN
8102708	20662	4223700000	108		BELLE ALSTOT NO 2	BOONSVILLE (BCG)	3,0	LONE STAR GAS COMPAN
8102714	20668	4249700000	108		BEN A MOORE NO 1	BOONSVILLE	9,0	LONE STAR GAS COMPAN
8102715	20669	4249700000	108		CECIL BULLARD NO 1	BOONSVILLE	8,0	LONE STAR GAS COMPAN
8102713	20667	4249700000	108		CRAFT WATER BD UNIT 17 NO 1	BOONSVILLE (BCG)	9,0	LONE STAR GAS COMPAN
8102716	20670	4249700000	108		D C GARGIS NO 1	BOONSVILLE	17,0	LONE STAR GAS COMPAN
8102718	20672	4223700000	108		E L WILCOCKSON B NO 1	BOONSVILLE	7,0	LONE STAR GAS COMPAN
8102709	20663	4249700000	108		G H COCANOUGHER NO 1	BOONSVILLE	10,0	LONE STAR GAS COMPAN
8102705	20659	4223700000	108		J J LONG B NO 1	BOONSVILLE	6,0	LONE STAR GAS COMPAN
8102712	20666	4249700000	108		JAMES GRISHAM NO 1	BOONSVILLE	5,0	LONE STAR GAS COMPAN
8102719	20673	4223700000	108		L H YATES NO 1	BOONSVILLE	17,0	LONE STAR GAS COMPAN
8102711	20665	4223700000	108		L H YATES NO 3	BOONSVILLE	3,0	LONE STAR GAS COMPAN
8102707	20661	4249700000	108		PIPES-COCANOUGHER NO 1	BOONSVILLE	10,0	LONE STAR GAS COMPAN
8102710	20664	4223700000	108		ROY CHERRYHOMES A NO 2	CRAFTON WEST	12,0	LONE STAR GAS COMPAN
8102717	20671	4249700000	108		T H FOXALL B NO 1	BOONSVILLE	14,0	LONE STAR GAS COMPAN
*EBENJAY PETROLEUM CORP					RECEIVED: 10/24/80 JA: TX			
8102517	17306	4240931326	103		G R TAYLOR NO 1 (84052)	ST PAUL NW (5670)	432,0	TRANSCONTINENTAL GAS
*EUGENE FUHRMAN OIL CO					RECEIVED: 10/24/80 JA: TX			
8102466	15046	4223732398	103		R W BERRY NO 1	OZIE WEST (CADDO CONGL)	150,0	LONE STAR GAS CO
*EXPANDO OIL CO					RECEIVED: 10/24/80 JA: TX			
8102498	16500	4239100000	108		DAVENPORT #10	REFUGIO HEARD 6150	1,8	UNITED GAS PIPE LINE
*EXXON CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102661	20141	4229732060	103		CHARLES L MCCASLIN 15-F (04047)	RAMIERENA SW (YEGUA 3)	55,0	NATURAL GAS PIPELINE
8102568	19079	4233930453	103		CONROE FIELD UNIT #3812	CONROE	110,0	MORAN UTILITIES
8102698	20627	4222732003	103		DOUTHIT UNIT #309	HOWARD GLASSCOCK	0,1	PHILLIPS PETROLEUM C
8102700	20631	4222731994	103		DOUTHIT UNIT #312	HOWARD - GLASSCOCK	0,1	PHILLIPS PETROLEUM C
8102684	20435	4235730952	103		DUDE WILSON GAS UNIT 1 #2	ELLIS RANCH (CLEVELAND)	61,0	TRANSWESTERN PIPE LI
8102721	20712	4237132898	103		FT STOCKTON UNIT #1525	FORT STOCKTON	5,0	NUECES COMPANY
8102681	20403	4210300000	108		J B TUBB A/C 1 #47	SAND HILLS (TUBB)	7,0	EL PASO NATURAL GAS
8102673	20187	4200330929	108		J E PARKER A/C 10 #83	GOLDSMITH NORTH	18,0	NORTHERN NATURAL GAS
8102524	17581	4200730607	103		NINE MILE POINT CONS G U #10	NINE MILE POINT (CONSOL	730,0	NATURAL GAS PIPELINE
8102548	18382	4221131074	103		R A FLOWERS #2	MENDOTA NW (GRANITE WASH	389,0	TRANSWESTERN PIPELIN
8102685	20438	4213133186	103		V KOHLER A 124 D (#86084)	VIGGO (Y-14 NE) FIELD	365,0	TENNESSEE GAS PIPELI
*GALAXY OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102487	15918	4223300000	108		HUBER PRITCHARD #10-01590	PANHANDLE FIELD	0,6	J M HUBER CORP
8102484	15913	4223300000	108		HUBER PRITCHARD #4-01590	PANHANDLE FIELD	0,6	J M HUBER CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102485	15915	4223300000	108		HUBER PRITCHARD #7-01590	PANHANDLE FIELD	0,6	J M HUBER CORP
8102486	15917	4223300000	108		HUBER PRITCHARD #9-01590	PANHANDLE FIELD	0,6	J M HUBER CORP
8102488	15919	4223300000	108		HUBER PRITCHARD A #1-01744	PANHANDLE FIELD	5,0	J M HUBER CORP
8102490	15921	4223300000	108		HUBER PRITCHARD A #2-01744	PANHANDLE FIELD	5,0	J M HUBER CORP
8102491	15923	4223300000	108		HUBER PRITCHARD A #4-01744	PANHANDLE FIELD	5,0	J M HUBER CORP
8102489	15920	4223300000	108		HUBER PRITCHARD A #5-01744	PANHANDLE	5,0	J M HUBER CORP
8102492	15925	4223300000	108		HUBER-PRITCHARD A #7-01744	PANHANDLE FIELD	5,0	J M HUBER CORP
-GENERAL AMERICAN OIL COMPANY OF TEX					RECEIVED: 10/24/80 JA: TX			
8102471	15247	4249930632	103		RADNEY #2	COKE (PITTSBURG 8470)	100,0	LONE STAR GAS CO
-GEO P POST DBA POST PETROLEUM CO					RECEIVED: 10/24/80 JA: TX			
8102431	06104	4235730870	103		MCCARTOR #1	BULER (MISSISSIPPIAN)	547,5	NORTHERN NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102496	16380	4239330645	103		EARP NO 1	RED DEER N/E UPPER MORRO	730,0	EL PASO NATURAL GAS
8102523	17581	4239330770	103		LAKE TRAMMEL UNIT #97	LAKE TRAMMEL W (CANYON)	15,0	WEST LAKE NATURAL GA
8102645	20048	4236500000	103		SALLIE BAKER #3	CARTHAGE	0,0	UNITED GAS PIPELINE
8102432	06197	4206500000	108		SCHAFER RANCH NO 227	PANHANDLE	3,0	GETTY OIL COMPANY NA
8102574	19320	4236500000	103		WERNER-POPE NO 2	CARTHAGE (COTTON VALLEY)	575,0	DELHI GAS PIPELINE C
-GRACE PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102520	17454	4223732667	103		DENISON A-1	LUCKY RIDGE SW (CONGL 51	275,0	NATURAL GAS PIPELINE
8102464	14992	4224931040	103		STELZIG-ZWERNEMAN 10	AMARGOSA 2300	183,0	NATURAL GAS PIPELINE
-GROSS INC					RECEIVED: 10/24/80 JA: TX			
8102467		4219500000	108		SEALY & SMITH #1	TEXAS HUGOTON	19,0	PHILLIPS PETROLEUM C
-GULF OIL CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102640	19913	4247531863	103		CRAWAR FIELD UNIT NO 12	CRAWAR (GLORIETTA)	160,0	TRANSWESTERN PIPELIN
8102662	20157	4207900000	108		DUGGAN SLAUGHTER UNIT NO 978	SLAUGHTER	10,3	AMOCO PRODUCTION COM
8102446	13486	4221130983	103		FORGEY #1-112-C	GEM-HEMPHILL/DOUGLAS	387,0	TRANSWESTERN PIPELIN
8102575	019322	4247932318	103		P A MACMAHON NO 4 (#85282)	LAREDO (LOBO)	500,0	VALERO TRANSMISSION
-H C FEDERER					RECEIVED: 10/24/80 JA: TX			
8102534	17781	4229530612	103		SANSING #1	HIGGINS SOUTH (MORROW)	165,0	TRANSWESTERN PIPELIN
-HANLEY COMPANY					RECEIVED: 10/24/80 JA: TX			
8102674	20189	4217331025	103		D C REED NO 4 (08487)	SPRABERRY (TREND AREA)	22,0	PHILLIPS PETROLEUM C
8102675	20190	4217331026	103		J B CALVERLEY B NO 6	SPRABERRY (TREND AREA)	20,0	PHILLIPS PETROLEUM C
-HARKEN OIL & GAS INCORP					RECEIVED: 10/24/80 JA: TX			
8102499	16624	4236730935	103		HAMILTON UNIT #1-C 77239	LAKE MINERAL WELLS (4000	73,0	NATURAL GAS PIPELINE
-HILLIARD OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8102551	18436	4204730767	102		BARBARA LIPS C #1	RUCIAS N (FB D) FIELD	0,0	SOUTHERN NATURAL GAS
-HORIZON OIL & GAS CO OF TEXAS					RECEIVED: 10/24/80 JA: TX			
8102583	19415	4229530680	103		BUSSARD 191-1 (84533)	HIGGINS WEST (MORROW)	365,0	TRANSWESTERN PIPELIN
8102730	20794	4219530695	103		OLOUGHLIN A 20-1 (84678)	HANSFORD (MORROW UPPER)	90,0	NORTHERN NATURAL GAS
-HURLEY PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102732	20830	4220330683	103		HOLCOMBE GAS UNIT NO 5-T	BETHANY (COTTON VALLEY)	365,0	TENNESSEE GAS PIPELI
-HYTECH ENERGY CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102438	08367	4216531274	108		HULSE UNIT NO 1	LOOP NE (YATES)	0,4	NORTHERN NATURAL GAS
-J M HUBER CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102501	16911	4206500000	108		BURNETT B NO 1	WEST PANHANDLE	15,0	NORTHERN NATURAL GAS
8102502	16912	4223300000	108		KELLY NO 1	WEST PANHANDLE	11,0	COLORADO INTERSTATE
8102447	13490	4223330667	103		PRITCHARD B NO 1A	PANHANDLE WEST	270,0	COLORADO INTERSTATE
8102518	17313	4223300000	108		SANFORD C NO 5	WEST PANHANDLE	19,0	COLORADO INTERSTATE
-J ROY MCCOY					RECEIVED: 10/24/80 JA: TX			
8102704	20640	4207931048	103		DEAN #1 (62459)	SLAUGHTER	18,3	AMOCO PRODUCTION COM
8102703	20639	4207931049	103		DEAN #2 (#62459)	SLAUGHTER	18,3	AMOCO PRODUCTION COM
8102702	20638	4207931102	103		DEAN #3 (#62459)	SLAUGHTER	18,3	AMOCO PRODUCTION COM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102701	20637	4207931185	103		DEAN #4 (62459)	SLAUGHTER	18,3	AMOCO PRODUCTION COM
=JACK G JONES					RECEIVED: 10/24/80 JA: TX			
8102472	15383	4229530527	108		MASON NO 1 (75708)	FOLLETT	20,6	TRANSWESTERN PIPELIN
=JAKE L HAMON					RECEIVED: 10/24/80 JA: TX			
8102556	18760	4221131111	103		URSCHEL A-2	TWISTER (DOUGLAS)	365,0	CITIES SERVICE GAS C
=JAMES A BAKER III					RECEIVED: 10/24/80 JA: TX			
8102577	19355	4216331703	103		JAMES A BAKER III FEE NO 1	PEARSALL (AUSTIN CHALK)	43,0	TPG INC
8102578	19356	4216331709	103		JAMES A BAKER III FEE NO 2	PEARSALL (AUSTIN CHALK)	43,0	TPG INC
=JAMES K ANDERSON INC					RECEIVED: 10/24/80 JA: TX			
8102539	18061	4239900000	103		ODELL #1	FRITZESS (ODOM LIME)	252,0	LONE STAR GAS CO
8102540	18062	4239900000	103		PAUL MICHAELIS #1	FRITZESS (ODOM LIME)	252,0	LONE STAR GAS CO
=JOHN M HENDRIX CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102614	19591	4237132918	103		J N THIGPIN A #1	WILDCAT	365,0	W WILSON CORP
=KLING INC					RECEIVED: 10/24/80 JA: TX			
8102557	18762	4217531213	103		P A ALBRECHT NO 1	BOYCE (REKLAW)	900,0	UNITED GAS PIPELINE
=KOMANCHE OIL & GAS					RECEIVED: 10/24/80 JA: TX			
8102433	06491	4206530381	103		COBB NO 2 (03291)	WEST PANHANDLE	100,0	NORTHERN NATURAL GAS
=L E WINDHAM					RECEIVED: 10/24/80 JA: TX			
8102624	19849	4213500000	108		J E PARKER A (EO) NO 7	HARPER	1,6	PHILLIPS PETROLEUM C
=LADD PETROLEUM CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102686	20450	4239330721	103		JAMES E WILSON NO 3	HODGES (DES MOINES)	202,8	PHILLIPS PETROLEUM C
8102448	13495	4236312960	103		MCDANIEL UNIT #2-C (CADDO)	TOTO	109,0	LONE STAR GAS CO
8102429	05553	4226730590	103		STANLEY UNIT #2	TOTO	0,0	LONE STAR GAS CO
=LEON GAINES OPERATOR					RECEIVED: 10/24/80 JA: TX			
8102672	20183	4223700000	108		P C LIVELY #1 (#59967)	JACKSBORO WEST (CONGLOME	6,6	SOUTHWESTERN GAS PIP
=LIVELY ENERGY CO					RECEIVED: 10/24/80 JA: TX			
8102642	19995	4243500000	103		ALDWELL RANCH #2203	WHITEHEAD (STRAWN)	280,0	NORTHERN NATURAL GAS
=MASON ENERGIES INC					RECEIVED: 10/24/80 JA: TX			
8102696	20571	4214330436	102		SKILES 4		72,0	
=MCFADDEN OIL CORP					RECEIVED: 10/24/80 JA: TX			
8102473	15384	4231131284	102		W A WHITMIRE A #5-A-1	WHITMIRE (GOVERNMENT WEL	322,0	TRANSCONTINENTAL GAS
=MCGOLDRICK OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102617	19798	4236530938	103		DANIELS GAS UNIT #1 WELL #1 (85277)	BECKVILLE W (COTTON VALL	912,0	UNITED GAS PIPELINE
=MEBBERS CO INC					RECEIVED: 10/24/80 JA: TX			
8102552	18472	4240931347	103		IVES #1	ENOS COOPER (I-1 SAND)	250,0	UNITED GAS PIPE LINE
=MGF OIL CORP					RECEIVED: 10/24/80 JA: TX			
8102494	16172	4231732078	103		MARY WEBB NO 2	ACKERLY (DEAN SAND)	24,8	
8102641	19954	4231732079	103		MCCULLOCH NO 1	MCCULLOCH	12,8	ADOBE OIL & GAS CORP
8102579	19359	4231732079	103		PARHAM NO 1	SPRABERRY (TREND AREA)	25,2	ADOBE OIL & GAS CORP
8102647	20071	4231732083	103		PETERS 3 NO 2 (25736)	SPRABERRY (TREND AREA)	19,0	PHILLIPS PETROLEUM C
=MITCHELL ENERGY CORPORATION					RECEIVED: 10/24/80 JA: TX			
8102497	16416	4249731441	103		DEAVER (CADDO CONGL) #5-10	ALVORD (CADDO CONGL)	70,0	NATURAL GAS PIPELINE
8102504	17052	4249700000	108		F B WALKER #1 (10014)	ATOKA (ATOKA CONGL)	16,0	NATURAL GAS PIPELINE
8102505	17053	4249700000	108		FLAVIS GREER #2 (17350)	MORRIS	15,0	NATURAL GAS PIPELINE
8102506	17061	4249700000	108		J W PALMER #1 (21264)	BRIDGEPORT (STRAWN)	14,0	NATURAL GAS PIPELINE
8102507	17062	4249700000	108		JOHN W WALKER #1 (28846)	BOONSVILLE (BEND CONGL)	10,0	NATURAL GAS PIPELINE
8102508	17064	4249700000	108		L L BRIDGES #1 (34740)	BOONSVILLE (BEND CONGL)	15,0	NATURAL GAS PIPELINE
8102493	16064	4249700000	108		MARY MCCLURE #1 (32313)	BOONSVILLE (BEND CONG GA	14,0	NATURAL GAS PIPELINE
8102509	17066	4249700000	108		N H NIKIRK #1 (13119)	ALVORD (ATOKA CONGL)	14,0	NATURAL GAS PIPELINE
8102510	17070	4237300000	108		SPM B #6 (67122)	MORTENSE (WOODBINE)	8,0	HOUSTON PIPELINE CO
8102511	17071	4249700000	108		TCWB #20 (35786)	BOONSVILLE (BEND CONGL)	14,0	NATURAL GAS PIPELINE
8102512	17073	4249700000	108		V D ROSS #1 (40147)	BOONSVILLE (BEND CONGL)	15,0	NATURAL GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102513	17075	4249700000	108		W C BLANTON #1 (43441)	ALVORD (ATOKA CONGL)	16,0	NATURAL GAS PIPELINE
*MOBIL OIL CORP					RECEIVED: 10/24/80 JA: TX			
8102537	17986	4232900000	108		PEGASUS SPRABERRY UNIT #1-1	PEGASUS/SPRABERRY	0,2	EL PASO NATURAL GAS
*MONSANTO COMPANY					RECEIVED: 10/24/80 JA: TX			
8102587	19497	4207931058	103		BANK NO 47-13	LEVELLAND	1,4	CITIES SERVICE GAS C
8102589	19498	4207931087	103		BANK NO 47-14	LEVELLAND	2,9	CITIES SERVICE GAS C
8102599	19503	4207931059	103		BANK NO 47-9	LEVELLAND	2,4	CITIES SERVICE GAS C
8102595	19501	4207931127	103		BANK NO 53-11	LEVELLAND	7,2	CITIES SERVICE GAS C
8102597	19502	4207931126	103		BANK NO 53-12	LEVELLAND	0,2	CITIES SERVICE GAS C
8102591	19499	4207931093	103		BANK NO 53-3	LEVELLAND	2,4	CITIES SERVICE COMPA
8102593	19500	4207931094	103		BANK NO 53-7	LEVELLAND	3,3	CITIES SERVICE GAS C
8102654	20099	4207931108	103		CALVIN NO 40-14	LEVELLAND	0,2	CITIES SERVICE COMPA
8102601	19504	4207931107	103		WOOD NO 46-1	LEVELLAND	1,2	CITIES SERVICE COMPA
8102605	19506	4207931105	103		WOOD NO 46-13	LEVELLAND	4,8	CITIES SERVICE COMPA
8102609	19508	4207931118	103		WOOD NO 46-14	LEVELLAND	1,7	CITIES SERVICE COMPA
8102603	19505	4207931117	103		WOOD NO 46-2	LEVELLAND	1,7	CITIES SERVICE COMPA
8102607	19507	4207931125	103		WOOD NO 46-9	LEVELLAND	0,2	CITIES SERVICE COMPA
8102649	20094	4207931096	103		WRIGHT NO 45-1	LEVELLAND	4,8	CITIES SERVICE COMPA
8102652	20097	4207931067	103		WRIGHT NO 45-10	LEVELLAND	0,2	CITIES SERVICE COMPA
8102651	20096	4207931113	103		WRIGHT NO 45-2	LEVELLAND	4,8	CITIES SERVICE COMPA
8102655	20100	4207931123	103		WRIGHT NO 45-3	LEVELLAND	9,5	CITIES SERVICE COMPA
8102650	20095	4207931160	103		WRIGHT NO 45-4	LEVELLAND	12,0	CITIES SERVICE COMPA
8102656	20101	4207931097	103		WRIGHT NO 45-5	LEVELLAND	7,2	CITIES SERVICE GAS C
8102653	20098	4207931111	103		WRIGHT NO 45-6	LEVELLAND	4,8	CITIES SERVICE COMPA
8102658	20103	4207931124	103		WRIGHT NO 45-7	LEVELLAND	23,9	CITIES SERVICE COMPA
8102657	20102	4207931145	103		WRIGHT NO 45-8	LEVELLAND	21,5	CITIES SERVICE COMPA
8102648	20093	4207931095	103		WRIGHT NO 45-9	LEVELLAND	0,2	CITIES SERVICE COMPA
*MORAN EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8102525	17623	4223531407	103		MURPHEY B #3	SPRABERRY (TREND AREA)	43,8	NORTHERN NATURAL GAS
8102526	17624	4238331397	103		ROCKER B #81	SPRABERRY (TREND AREA)	23,4	NORTHERN NATURAL GAS
8102527	17625	4238331398	103		ROCKER B #82	SPRABERRY (TREND AREA)	13,7	NORTHERN NATURAL GAS
*NEUMIN PRODUCTION CO					RECEIVED: 10/24/80 JA: TX			
8102691	20555	4228531416	103		EDNA SMITH ET AL #2 (85770)		79,5	ALUMINUM COMPANY OF
8102695	20560	4229731879	103		M E GRAY INGERSOLL #2	OAKVILLE EAST (SLICK)	251,0	VALERO TRANSMISSION
*ONG EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8102465	15021	4229530591	103		W C ARDREY NO 1	DARREN (MORROW MIDDLE)	100,0	NORTHERN NATURAL GAS
*PARKER & PARSLEY INC					RECEIVED: 10/24/80 JA: TX			
8102572	19217	4231732101	103		STROUD C NO 1	SPRABERRY (TREND AREA)	15,0	ADOBE OIL & GAS CORP
*PHILLIPS PETROLEUM COMPANY					RECEIVED: 10/24/80 JA: TX			
8102500	16726	4246101424	108		(03913) N PEMBROOK SPRA NO 85-01	SPRABERRY (TREND AREA)	0,2	NORTHERN NATURAL GAS
8102427	04635	4249503419	108		BRADISH NO 1 (03333)	KEYSTONE (DEVONIAN)	5,9	SID RICHARDSON GASOL
8102689	20525	4223300000	108		COCKRELL RANCH #10	PANHANDLE	4,0	GETTY OIL CO
8102474	15426	4200304511	108		EMBAR B NO 13 (01269)	EMBAR (PERMIAN)	20,6	EL PASO NATURAL GAS
8102495		4242130067	103		GILMORE NO 2	TEX HUGOTON	42,0	MICHIGAN WISCONSIN P
8102479	15729	4223300000	108		JOHNSON 00 NO 1	WEST PANHANDLE	17,0	PANHANDLE EASTERN PI
8102437	07671	4219700233	108		LOCKHART-A NO 1	CONLEY	10,0	SHELL OIL CO
8102559	18781	4217900000	108		PHIL-PAMPA UNIT #8-12	PANHANDLE GRAY	2,0	GETTY OIL CO
8102558	18780	4217900000	108		PHIL-PAMPA UNIT #9-07	PANHANDLE GRAY FIELD	13,0	GETTY OIL CO
8102541	18068	4217900000	108		PHIL-PAMPA UNIT NO 09-13	PANHANDLE GRAY	1,4	GETTY OIL CO
8102542	18069	4217900000	108		PHIL-PAMPA UNIT NO 12-03	PANHANDLE GRAY	21,0	GETTY OIL CO
8102543	18070	4217900000	108		PHIL-PAMPA UNIT NO 58-12	PANHANDLE GRAY	1,8	GETTY OIL CO
8102455	14181	4217900000	108		PHIL-PAMPA UNIT 07-06	PANHANDLE GRAY	1,9	GETTY OIL CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102454	14180	4217900000	108		PHIL-PAMPA UNIT 7-04	PANHANDLE GRAY	1,2	GETTY OIL CO
8102618	19805	4235730943	103		SWINK #3	HORIZON CLEVELAND FIELD	23,0	PANHANDLE EASTERN PI
8102444	13099	4223300000	108		TERR NO 4A	PANHANDLE HUTCHINSON	0,4	EL PASO NATURAL GAS
-PLEMONS ENTERPRISES					RECEIVED: 10/24/80 JA: TX			
8102535	17797	4206500000	103		SANFORD C #3	PANHANDLE	91,3	PHILLIPS PETROLEUM C
-POLK & PATTON INC					RECEIVED: 10/24/80 JA: TX			
8102731	20807	4249731318	103		J T JONES #1	WILDCAT JONESIE (PREGNAN	803,0	SOUTHWESTERN GAS PIP
-QUINTEX PETROLEUM CORP					RECEIVED: 10/24/80 JA: TX			
8102521	17461	4203931446	103		J PRICE NO 1	ARCOLA	365,0	TENNGASCO
-R & J PRODUCTION					RECEIVED: 10/24/80 JA: TX			
8102694	20559	4206530703	103		BURNETT #1	PANHANDLE CARSON	88,3	PANHANDLE EASTERN PI
8102693	20558	4206530704	103		BURNETT #2	PANHANDLE CARSON	77,4	PANHANDLE EASTERN PI
8102692	20557	4206530705	103		BURNETT #3	PANHANDLE CARSON	106,6	PANHANDLE EASTERN PI
-R C BLACK					RECEIVED: 10/24/80 JA: TX			
8102664	20165	4249500000	108		BROWN & ALTMAN A #5	EMPEROR	12,6	WEST TEXAS GATHERING
8102663	20163	4249500000	108		BROWN & ALTMAN A/C 2-#17	EMPEROR	4,2	WEST TEXAS GATHERING
8102665	20166	4249500000	108		BROWN & ALTMAN G #1	EMPEROR	1,5	PHILLIPS PETROLEUM C
8102666	20167	4249500000	108		BROWN & ALTMAN G #4	EMPEROR	1,5	PHILLIPS PETROLEUM C
8102667	20168	4249500000	108		BROWN & ALTMAN G #5	EMPEROR	17,0	WEST TEXAS GATHERING
8102669	20171	4249500000	108		MAGNOLIA BROWN & ALTMAN #B-1	EMPEROR	0,6	WEST TEXAS GATHERING
8102668	20170	4249500000	108		MAGNOLIA BROWN & ALTMAN #1	EMPEROR	1,7	WEST TEXAS GATHERING
-R L BURNS CORP					RECEIVED: 10/24/80 JA: TX			
8102632	19861	4243530472	108		HICKS 22 #1	SAWYER (CANYON) FIELD	10,0	LOVACA GATHERING COM
8102626	19851	4243530886	108		MAYER 20 #2-B	SAWYER (CANYON)	7,3	LOVACA GATHERING COM
8102631	19860	4243530771	108		MAYER 21 #1	SAWYER (CANYON) FIELD	6,6	LOVACA GATHERING COM
8102630	19859	4243530782	108		MAYER 21 #2	SAWYER (CANYON)	8,2	LOVACA GATHERING COM
8102628	19853	4243531056	108		MAYER 36 #3	SAWYER (CANYON) FIELD	6,3	LOVACA GATHERING COM
8102639	19869	4243530395	108		MAYER 37 #1	SAWYER (CANYON) FIELD	3,2	LOVACA GATHERING COM
8102635	19865	4243530436	108		MAYER 38 #1	SAWYER (CANYON) FIELD	11,1	LOVACA GATHERING COM
8102637	19867	4243500000	108		MAYER 47 #1	SAWYER (CANYON) FIELD	11,6	LOVACA GATHERING COM
8102629	19858	4243530731	108		MAYER 7 #1	SAWYER (CANYON) FIELD	1,4	LOVACA GATHERING COM
8102638	19868	4243530910	108		MAYER 9 #1	SAWYER (CANYON) FIELD	12,4	LOVACA GATHERING COM
8102634	19864	4243530911	108		MORRISS 5 #1	SAWYER (CANYON) FIELD	5,4	LOVACA GATHERING COM
8102636	19866	4243530685	108		SAWYER 13 #1	SAWYER (CANYON) FIELD	3,6	LOVACA GATHERING COM
8102633	19863	4243530680	108		SAWYER 16 #1	SAWYER (CANYON) FIELD	8,4	LOVACA GATHERING COM
8102627	19852	4243530918	108		SAWYER 16 #2	SAWYER (CANYON) FIELD	10,1	LOVACA GATHERING COM
-RANGER OPERATING CO					RECEIVED: 10/24/80 JA: TX			
8102528	17628	4250332741	103		DONNELL B NO 2 (#84854)	KENDALL (BEND CONGLOMERA	73,0	LONE STAR GAS CO
-ROBERT RANSONE INC					RECEIVED: 10/24/80 JA: TX			
8102453	14115	4233700000	108		VIVIAN HUTCHISON #1	BOEDEKER SE (STRAWN)	9,1	TIPPERARY CORP
-SAXON OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102569	19140	4238331453	103		HUNT A NO 1	SPRABERRY (TREND AREA)	17,2	PHILLIPS PETROLEUM C
-SHELL OIL CO					RECEIVED: 10/24/80 JA: TX			
8102733	20845	4270830233	102		S L 76433 SHELL-LL&E NW/4 NO 2	GALVESTON 102L	6000,0	LONE STAR GAS COMPAN
8102734	20847	4270630148	102		S L 76433-NW #3	GALVESTON 102L (MIOCENE)	6100,0	LONE STAR GAS COMPAN
-SOUTHLAND ROYALTY CO					RECEIVED: 10/24/80 JA: TX			
8102592	19528	4213500000	108		EDWARDS GRAYBURG UNIT #1-3	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102590	19527	4213500000	108		EDWARDS GRAYBURG UNIT #2-1	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102588	19525	4213500000	108		EDWARDS GRAYBURG UNIT #2-3	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102602	19534	4213500000	108		EDWARDS GRAYBURG UNIT #2-4	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102600	19533	4213500000	108		EDWARDS GRAYBURG UNIT #2-8	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102598	19532	4213500000	108		EDWARDS GRAYBURG UNIT #3-1	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102596	19531	4213500000	108		EDWARDS GRAYBURG UNIT #3-3	EDWARDS	0,9	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8102594	19530	4213500000	108		EDWARDS GRAYBURG UNIT #3-4	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102604	19536	4213500000	108		EDWARDS GRAYBURG UNIT #6-2	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102621	19822	4213500000	108		EDWARDS GRAYBURG UNIT #6-5	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102619	19818	4213500000	108		EDWARDS GRAYBURG UNIT #7-12	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102620	19820	4213500000	108		EDWARDS GRAYBURG UNIT #7-19	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102608	19539	4210300000	108		EDWARDS GRAYBURG UNIT #7-22	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102606	19537	4210300000	108		EDWARDS GRAYBURG UNIT #7-24	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102606	19537	4210300000	108		EDWARDS GRAYBURG UNIT #7-24	EDWARDS	0,9	PHILLIPS PETROLEUM C
8102606	19537	4210300000	108		EDWARDS GRAYBURG UNIT #7-24	EDWARDS	0,9	PHILLIPS PETROLEUM C
-88 & B PRODUCTION CO					RECEIVED: 10/24/80 JA: TX			
8102544	18108	4217930684	103		MACKIE #2	PANHANDLE	144,0	NORTHERN NATURAL GAS
8102545	18118	4217930693	103		MACKIE #3	PANHANDLE	144,0	NORTHERN NATURAL GAS
-8TAHL PETROLEUM CO					RECEIVED: 10/24/80 JA: TX			
*8102676	20231	4248300000	108		MCCALL #1	EAST PANHANDLE	14,0	TRANSWESTERN PIPELIN
-8UN OIL COMPANY (DELAWARE)					RECEIVED: 10/24/80 JA: TX			
8102460	14564	4213100000	108		A J WIEDERKEHR NO 5	NORTH GOVERNMENT WELLS	0,2	TENNESSEE GAS PIPELI
8102426	01367	4221530426	102		A M BEAURLINE ET AL NO 1	BEAURLINE (VICKSBURG R)	673,0	TENNESSEE GAS PIPELI
8102538	17998	4242700000	108		CHAPOTAL LAND CO A NO 3	YTURRIA (FROST B)	17,0	TRANSCONTINENTAL GAS
8102622	19834	4223732722	103		CHERRYHOMES D GAS UNIT NO 2	BOONSVILLE (BEND CONGL)	44,0	LONE STAR GAS COMPAN
8102553	18574	4221900000	108		COBLE B NO 31	LEVELLAND	0,1	AMOCO PRODUCTION COM
8102562	18921	4213500000	108		FOSTER JOHNSON UNIT NO 1-2	FOSTER FIELD	0,4	ODESSA NATURAL CORPO
8102561	18920	4213500000	108		FOSTER JOHNSON UNIT NO 1-7	FOSTER FIELD	0,7	ODESSA NATURAL CORPO
8102563	18923	4213500000	108		FOSTER JOHNSON UNIT NO 2-11	FOSTER FIELD	0,4	ODESSA NATURAL CORPO
8102565	18925	4213500000	108		FOSTER JOHNSON UNIT NO 3-16	FOSTER FIELD	0,4	ODESSA NATURAL CORPO
8102564	18924	4213500000	108		FOSTER JOHNSON UNIT NO 3-2	FOSTER FIELD	0,4	ODESSA NATURAL CORPO
8102566	18926	4213500000	108		FOSTER JOHNSON UNIT NO 5-1	FOSTER FIELD	1,0	ODESSA NATURAL CORPO
8102567	18927	4213500000	108		FOSTER JOHNSON UNIT NO 5-3	FOSTER FIELD	0,7	ODESSA NATURAL CORPO
8102723	20737	4218300000	108		J C GRAY NO 1	EAST TEXAS	0,4	UNITED GAS PIPE LINE
8102724	20738	4218300000	108		J C GRAY NO 5	EAST TEXAS	0,4	UNITED GAS PIPE LINE
8102725	20739	4218300000	108		J C MCKINLEY NO 11	EAST TEXAS	0,4	UNITED GAS PIPE LINE
8102726	20740	4218300000	108		J C MCKINLEY NO 12	EAST TEXAS	0,5	UNITED GAS PIPE LINE
8102461	14566	4239100000	108		J M OBRIEN #5-4	GRETA	11,0	UNITED TEXAS TRANSMI
8102573	19267	4249731535	103		J M COLE UNIT NO 2	BOONSVILLE (BEND CONGLOM	219,0	NATURAL GAS PIPELINE
8102462	14571	4242700000	108		MARRS-MCLEAN NO 7-U	LOCKHART	4,0	TENNESSEE GAS PIPELI
8102722	20736	4249900000	108		P TAYLOR -CA- NO 3	QUITMAN	3,0	CRA INC
8102728	20753	4235700000	108		R C ELLIOTT A NO 1	FARNSWORTH-CONNER	1,9	PHILLIPS PETROLEUM C
8102463	14573	4242700000	108		REILLY HEIRS NO 8	GARCIA	11,0	
8102727	20751	4240100000	108		SCHUYLER JT -B- NO 14	EAST TEXAS	0,2	ARCO OIL AND GAS COM
8102729	20761	4218300000	108		WILLIAM PENTECOST NO 23	EAST TEXAS	0,1	MOBIL OIL CORPORATIO
-TENNECO OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102519	17402	4250131676	103		HEDBERG #11	PRENTICE	0,3	AMOCO PRODUCTION CO
8102570	19169	4217930698	103		WORLEY 93	PANHANDLE GRAY COUNTY	3,2	PHILLIPS PETROLEUM C
8102571	19170	4217930696	103		WORLEY 94	PANHANDLE GRAY COUNTY	9,5	PHILLIPS PETROLEUM C
-TEXACO INC					RECEIVED: 10/24/80 JA: TX			
8102682	20426	4210532479	103		A R KINCAID TRUST #5	OZONA (CANYON SAND)	300,0	NORTHERN NATURAL GAS
8102683	20433	4222731952	103		HOWARD F FEE #1	COAHOMA N (FUSSELMAN)	82,5	PHILLIPS PETROLEUM C
8102749	20982	4210532574	103		J M SCHEUBER #10	DAVIDSON RANCH (PENN 789	200,0	NORTHERN NATURAL GAS
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 10/24/80 JA: TX			
8102580	19376	4208130584	103		M C HENDRY #1	JAMESON (STRAWN)	30,0	SUN GAS COMPANY
-TEXAS OIL & GAS CORP					RECEIVED: 10/24/80 JA: TX			
8102735	20848	4228930351	102		LEWIS B #1	BEAR GRASS (COTTON VALLE	365,0	
8102735	20848	4228930351	103		LEWIS B #1	BEAR GRASS (COTTON VALLE	365,0	
-THE SUPERIOR OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8102660	20140	4247531557	103		UNIVERSITY P 1	WAR-WINK S (WOLFCAMP)	7,0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*TOMMY LITTLEPAGE					RECEIVED: 10/24/80 JA: TX			
8102616	19748	4250300000	103		MARY TAYLOR #18818	YOUNG COUNTY REGULAR	3,0	LEWTEX OIL & GAS CO
8102615	19746	4250300000	103		ROSSER #1 (19575)	YOUNG COUNTY REGULAR	38,0	LEWTEX OIL & GAS CO
*TRANSIERRA EXPLORATION CORP					RECEIVED: 10/24/80 JA: TX			
8102560	18794	4213300000	108		PLOWMAN & VINES NO 2	EASTLAND COUNTY REGULAR	11,0	LONE STAR GAS CO
*TRINITY OIL & GAS CORP					RECEIVED: 10/24/80 JA: TX			
8102529	17637	4213331636	103		BAR H BAR #1 (15440)	WILDCAT	59,0	REISS PETROLEUM INC
*TUCKER & BAUMGARDNER					RECEIVED: 10/24/80 JA: TX			
8102679	20389	4222732092	103		BLACK BASS NO 3 (25591)	COAHOMA NORTH (FUSSELMAN	49,3	PHILLIPS PETROLEUM C
*TURK KEHLE & ASSOC (TKA)					RECEIVED: 10/24/80 JA: TX			
8102750	20983	4213133616	102		RAMIREZ NO 1 (85965)	EL MESQUITE (3000) FIELD	120,0	VALERO TRANSMISSION
*UNION OIL COMPANY OF CALIF					RECEIVED: 10/24/80 JA: TX			
8102480	15721	4236530707	103		L T POSS #1	CARTHAGE (COTTON VALLEY)	1423,0	WESTERN GAS CORP
*UNITED CO					RECEIVED: 10/24/80 JA: TX			
8102546	18219	4207900000	103		MILLER WRIGHT #2	LEVELLAND (SAN ANDRES)	7,0	EL PASO NAT GAS CO
*VISTA RESOURCES INC					RECEIVED: 10/24/80 JA: TX			
8102623	19843	4210532207	103		W E WEST ESTATE #1		108,0	EL PASO NATURAL GAS
*W DON SMITH					RECEIVED: 10/24/80 JA: TX			
8102536	17953	4242932070	103		LLOYD SMITH A #1-KT	IVAN (DUFFER)	124,0	LONE STAR GAS CO
*W R EDWARDS JR					RECEIVED: 10/24/80 JA: TX			
8102439	09744	4223300000	103		CAL MERCHANT A NO 3	PANHANDLE HUTCHINSON COU	92,0	PANHANDLE PRODUCING
*WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 10/24/80 JA: TX			
8102445	13458	4210300000	108		J B TUBB B TR A #4	SAND HILLS TUBB	1,0	EL PASO NATURAL GAS
8102442	12248	4210330151	108		W N WADDELL TR 1 #1043	DUNE	1,0	EL PASO NATURAL GAS
*WAY & MILLS					RECEIVED: 10/24/80 JA: TX			
8102584	19428	4210532495	103		UNIVERSITY 21 #2	FARMER (SAN ANDRES)	2,0	NORTHERN NATURAL GAS
*WAYMAN W BUCHANAN					RECEIVED: 10/24/80 JA: TX			
8102643	20009	4249731499	103		KAKER NO 1	BOONSVILLE (BEND CONGL G	222,6	LONE STAR GAS COMPAN
*WILBERT GOHLKE					RECEIVED: 10/24/80 JA: TX			
8102586	19452	4217500000	108		PITTMAN NO 1 (44989)	WEEBATCHE E (COOK MTN 53	7,8	UNITED GAS PIPELINE

OTHER PURCHASERS VOLUME NO 1311

8102430	TEXAS UTILITIES FUEL CO
8102468	AMOCO GAS CO
8102576	COLUMBIA GAS TRANSMISSION COMPANY
8102676	WARREN PETROLEUM COMPANY
8102720	TEXAS EASTERN TRAN CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by November 25, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35020 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-9-000]

Academy Service Station; Filing of Petition for Review

November 4, 1980.

Take notice that Academy Service Station on October 20, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before November 19, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petiton to intervene on or before November 19, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35035 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3015]

Alaska Power Authority; Revised Application for License (Major)

November 4, 1980.

Take notice that on September 8, 1980, the Alaska Power Authority (Applicant) filed a revised application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for a major license for the unconstructed Tyee Lake Project No. 3015. Correspondence with the Applicant should be directed to: Mr. Eric P. Yould, Executive Director, Alaska Power Authority, 333 West 4th Avenue, Anchorage, Alaska 99501.

The revised application changes the location and design of the proposed powerhouse and power tunnel. The revised Tyee Lake Project would consist of: (1) Tyee Lake with a usable storage capacity of approximately 52,400 acre-feet between the existing surface elevation of 1,396 feet and a minimum surface elevation of 1,250 feet; (2) a power tunnel, 8,700 feet long and 10 feet in diameter, conducting water from Tyee Lake to: (3) a surface powerhouse containing two 10,000-kW generating units with provisions for a third unit discharging into Bradfield Canal via; (4) a tailrace channel approximately 1,100 feet long and a short section of an unnamed creek; (5) a switchyard adjacent to the powerhouse; and (6) a 115-kV transmission line, consisting of 69 miles of overhead line and 12 miles of submarine cables, leading from the powerhouse switchyard to Wrangell and then to Petersburg.

The proposed project would have a total rated capacity of 20,000 kW and would be capable of providing 130,000 MWh of firm energy annually. Power would be marketed in the Cities of Petersburg and Wrangell.

The Tyee Lake Project would affect public lands of the United States located within the Tongass National Forest.

In order to enhance recreational opportunities in the project area, Applicant would provide a shelter, picnic tables, grill, and sanitation facilities at the powerhouse site.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confided to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 19, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35025 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RM79-29, ER80-592, ER80-782, et al.] [1]

Limits for Percentage Adders in Electric Rates for Transmission Service; Order Accepting Rates for Filing, Suspending Rates, and Consolidating Proceedings

Issued October 29, 1980.

The Amendment of Part 35 of the regulations under the Federal Power Act; limits for percentage adders in electric rates for transmission service: (Docket No. RM79-29): Allegheny Power System, *et al.* (Docket Nos. ER80-592, *et al.) and Commonwealth Edison Company, et al.* (Docket Nos. ER80-782, *et al.*)[1]

The Commission, on May 7, 1980, issued Order No. 84, in Docket No. RM79-29, requiring electric utilities to place revenue limits on percentage adders in rate schedules used for transmission or third party resales of electric power.

In response to Order No. 84, 83 rate filings were received as of September 1, 1980, proposing to change various percentage adders currently included in interchange rate schedules affecting transmission or the purchase and resale of energy. The Commission, by order issued October 3, 1980 in this docket, accepted a number of the proposed filings effective as of September 1, 1980, suspended other filings for one day to become effective September 2, 1980 and set the suspended dockets for hearing in a consolidated proceeding.

Since September 1, 1980, additional Order No. 84 compliance filings have been received. Many of the additional dockets submitted for filing are not in full compliance with Order No. 84.

The additional tendered filings have been classified into five general categories:

(1) percentage adders capped at a limit in excess of 1 mill/Kwh;

(2) fixed adders of 1 mill/Kwh in submittals which otherwise do not comply with Order No. 84;

(3) fixed adders of more than 1 mill/Kwh;

(4) fixed adders of more than 1 mill per Kwh plus 1 mill/Kwh for difficult-to-quantify costs; and

(5) other rate schedule modifications.

Each of these categories will be discused separately.

Rate Filings Which Include Limitations of More Than 1 Mill/Kwh on Percentage Adders

Southern Indiana Gas & Electric Company, in Docket No. ER80-733, tendered a rate filing which includes a percentage adder limitation exceeding 1 mill/Kwh. Inasmuch as the adder in excess of 1 mill was not cost supported, this filing shall be accepted, suspended and set for hearing as further provided in this order.

Rate Filings Having No Percentage Adder But Including A Fixed Adder of 1 Mill/Kwh

Several companies have tendered rate filings which comply with Order No. 84 in part. Such filings comply to the extent that they propose to replace percentage adders and certain service schedules with a fixed 1 mill/Kwh adder. Cost support for the 1 mill/Kwh adder was not filed by any party. Although Order No. 84 did not provide for the replacement of percentage adders with fixed adders, the Commission noted in its October 3, 1980 order in this docket that a fixed 1 mill/Kwh adder would only produce more revenues than a percentage adder capped at 1 mill/Kwh if the cost of purchased energy is less than 10 mills. After noting that there was no indication that the cost of purchased energy in those dockets was less than 10 mills, the Commission accepted the submittals for filing effective as of September 1, 1980. Consistent with its prior finding, the Commission will therefore accept for filing effective as of September 1, 1980 fixed adders of 1 mill/Kwh as tendered in the following filings: Commonwealth Edison Company and Wisconsin Power & Light Company, Docket No. ER80-782; Dayton Power & Light Company, Docket Nos. ER80-720, ER80-721, ER80-722; Columbus & Southern Ohio Electric Company/Dayton Power & Light Company, Docket No. ER80-726; Ohio Edison Company, Docket No. ER80-662; and Ohio Power Company/Cleveland Electric Illuminating Company, Docket No. ER80-640; Indiana & Michigan Electric Company/Central Illinois Public Service Company, Docket No. ER80-646; and Wisconsin Electric Power Company/Commonwealth Edison Company, Docket No. ER80-732.

Limitations on Percentage Adders Which Include Fixed Adders of More Than 1 Mill/Kwh

Commonwealth Edison Company, Docket Nos. ER80-779 and 782; and Public Service Company of Indiana, Inc., Docket No. ER80-750 and Commonwealth Edison Company, Docket No. ER80-732, have tendered for filing rate schedules including fixed adders which exceed 1 mill/Kwh to replace percentage adders in transmission or third party resale rates. These fixed adders exceeding 1 mill/Kwh have not been shown to be just and reasonable and will therefore be suspended as hereinafter ordered, and set for hearing.

Rate Schedules Including Fixed Adders of More Than 1 mill/Kwh Plus 1 mill/Kwh For Difficult-to-Quantify Costs

A number of companies have submitted proposed rates to recover: (1) the cost of the purchase, (2) a fixed adder and (3) 1 mill/Kwh for unquantifiable costs. Order No. 84 allows a maximum of 1 mill for difficult-to-quantify costs when the filing party is capping its percentage adder. These filings proposed to recover 1 mill per Kwh for unquantifiable costs in addition to the recovery of fully distributed costs. These proposed rates have not been shown to be just and reasonable and therefore will be accepted for filing, suspended and set for hearing as provided in this order. Dockets in this category include: Wisconsin Power & Light Company, Docket No. ER80-782; Central Illinois Public Service, Docket No. ER80-779; Indiana & Michigan Electric Company/Central Illinois Public Service Company, Docket No. ER80-646; Wisconsin Electric Power Company, Docket No. ER80-732; Central Illinois Public Service Company, Docket Nos. ER80-747, ER80-748, and ER80-754, Wisconsin Public Service Corporation/Wisconsin Power & Light Company/Madison Gas & Electric Company Docket No. ER80-618; Wisconsin Public Service Corporation/Wisconsin Power & Light Company, Docket No. ER80-616; Wisconsin Power & Light Company/Northern States Power Company (Minn.)/Northern States Power Company (Wisc.), Docket No. ER80-667, Wisconsin Power & Light Company, Docket No. ER80-668; Illinois Power Company, Docket No. ER80-749; Dayton Power & Light Company, Docket Nos. ER80-720, ER80-721, and ER80-722; Ohio Edison Company, Docket No. ER80-662; Columbus & Southern Ohio Electric Company/Dayton Power & Light Company, Docket No. ER80-726; and Ohio Power Company/Cleveland Electric Illuminating Company, Docket No. ER80-640.

On September 26, 1980, the Municipal Wholesale Power Group (MWPG) and the Wisconsin Public Power, Inc. (WPPI) filed a petition to intervene requesting consolidated hearings to determine whether the transmission rates filed are just and reasonable. On October 6, 1980, Wisconsin Power & Light Company (WP&L) filed an answer objecting to the granting of intervention and request for consolidation on the grounds that MWPG and WPPI are not parties to the rate schedules of Docket No. ER80-667

[1] See Attachment A for complete list of dockets.

and would not be bound by such rate schedules. The Commission has determined that the petitions to intervene by MWPG and WPPI should be granted and will so order.

Other Rate Schedule Modifications

Columbus & Southern Ohio Electric Company and Dayton Power & Light Company, Docket No. ER80-726, have tendered for filing a rate schedule proposing to increase the minimum charge for emergency energy from 17.5 mills/Kwh to 30 mills/Kwh. The 30 mill/Kwh is presently on file and accepted in other dockets and the Commission will therefore order that this rate schedule be accepted for filing.

Ohio Edison Company in Docket No. ER80-662 submitted Modification Nos. 2 and 3. Modification No. 2 would increase the short term and limited term power demand charges to the same level as currently on file in other Ohio Edison rate schedules. The Commission will therefore order acceptance of Modification No. 2 effective August 1, 1980. Modification No. 3 is Ohio Edison Company's filing in compliance with Order No. 84. Modification No. 3 will be accepted and suspended in part and accepted without suspension in part, as discussed elsewhere in this order.

In addition to the categories of filings discussed above several filings were tendered which do not fit within any specific category.

In Docket No. ER80-678, Union Electric Company (UE) filed amendments to its various interchange agreements with 14 other parties. The filing proposes to modify the provisions of the interchange service schedules under which the parties may provide transmission or resale of third party purchase power to replace the currently specified 10 percent adders to purchase price, by adders specified as the greater of: (1) a fixed adder (UE-3.36 mills/Kwh; Missouri Public Service Company (MPS)—3.88 mills/Kwh; St. Joseph Light & Power Company (SJLP)—1.0 mills/Kwh) plus an adjustment for transmission losses, or (2) 10 percent of the transmitting parties' "internal incremental cost." UE, MPS and SJLP have not provided cost support or rationale for charging more than the specified fixed adder (based on full transmission costs, plus losses whenever 10 percent of internal incremental costs exceeds such adder plus losses). Those rates will therefore be accepted for filing, suspended and set for hearing, as further provided by this order.

On September 16, 1980, one day after the expiration of specified notice period, the City of Columbia, Missouri filed a protest and petition to intervene in Docket No. ER80-678, contending that UE's filing of the instant amendment to their interchange agreement provides rates that are neither cost supported nor consistent with Order No. 84. The City of Columbia will be allowed to intervene.

The Commission orders: (A) The identified portions of the following dockets are hereby accepted for filing effective September 1, 1980: Commonwealth Edison Company and Wisconsin Power & Light Company's filing of fixed 1 mill/Kwh adders for interchange service in Docket No. ER80-782; Dayton Power & Light Company's filing of fixed 1 mill/Kwh adder in Docket Nos. ER80-720, ER80-721, and ER80-722; Ohio Edison Company's filing of fixed 1 mill/Kwh adders in Docket No. ER80-662; Columbus & Southern Ohio Electric Company's and Dayton Power & Light Company's filing of fixed 1 mill/Kwh adders and 30 mill/Kwh Minimum charge for Emergency Energy in Docket No. ER80-726; and Ohio Power Company and Cleveland Electric Illuminating Company's filing of fixed 1 mill/Kwh adders in Docket No. ER80-640.

(B) Ohio Edison Company's filing of Modification No. 2 in Docket No. ER80-662 shall be accepted for filing and waiver will be granted allowing the rate to become effective as of August 1, 1980 as requested.

(C) All provisions of the rate schedules identified in ordering paragraphs A and B which have not been specifically accepted for filing by this order are hereby suspended for one day to become effective September 2, 1980, subject to refund.

(D) Docket Nos. ER80-733, ER80-750 and ER80-779 are hereby suspended for one day to become effective September 2, 1980, subject to refund.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and Regulations under the Federal Power Act (18 CFR, Chapter I), all dockets suspended by this order shall be consolidated with the dockets previously suspended by the Commission's October 3, 1980 order in this docket and set for public hearing as previously ordered.

(F) The Municipal Wholesale Power Group, and the Wisconsin Public Power, Inc. and the City of Columbia, Missouri, are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act; *provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that there might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) Attachment B of this order shall set forth the rate schedule designations and effective dates affected by this order.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Company and Docket Numbers

Commonwealth Edison Company—ER80-782 and ER80-779
Central Illinois Public Service Company—ER80-779, ER80-749
Public Service Company of Indiana, Inc.—ER80-750
Southern Indiana Gas & Electric Company—ER80-733
Wisconsin Power & Light Company—ER80-782
Dayton Power & Light Company—ER80-720, ER80-721, ER80-722
Cincinnati Gas & Electric Company—ER80-721
Columbus & Southern Ohio Electric Company—ER80-726
Dayton Power & Light Company—ER80-726
Ohio Edison Company—ER80-662
Indiana & Michigan Electric Company—ER80-646
Central Illinois Public Service Company—ER80-646
Wisconsin Electric Power Company—ER80-732
Commonwealth Edison Company—ER80-732
Central Illinois Public Service Company—ER80-747, ER80-748, ER80-754
Illinois Power Company—ER80-731
Union Electric Company—ER80-678
Missouri Public Service Company—ER80-678
St. Joseph Light and Power Company—ER80-678
Wisconsin Power and Light Company—ER80-616, ER80-618, ER80-667, ER80-668, ER80-616
Wisconsin Public Service Corp.—ER80-618
Madison Gas & Electric Company—ER80-618
Northern States Pwr. Co. (Minn.)—ER80-667
Northern States Pwr. Co.—ER80-667
Ohio Power Company—ER80-640
Cleveland Electric Illuminating Company—ER80-640

Attachment B

Docket No. ER80-779

Filing Party: Commonwealth Edison Company

Other Party: Central Illinois Public Service Company
Effective: (1) & (2)—September 2, 1980, subject to refund.

Designation

Commonwealth Edison Company:
(1) Supplement No. 10 to Rate Schedule FPC No. 10
Central Illinois Public Service Company:
(2) Supplement No. 9 to Rate Schedule FPC No. 61

Docket No. ER80–733

Filing Party: Southern Indiana Gas & Electric Company
Other Party:
(1) Big Rivers Electric Corporation
(2) Public Service Company of Indiana
(3) Louisville Gas & Electric Company
(4) Indianapolis Power & Light Company
(5) Alcoa Generating Corporation
Effective: (1)—(5) September 2, 1980, subject to refund

Designation

Southern Indiana Gas & Electric Company:
(1) Supplement No. 11 to Rate Schedule FPC No. 33
(2) Supplement No. 4 to Rate Schedule FPC No. 21
(3) Supplement No. 5 to Rate Schedule FPC No. 24
(4) Supplement No. 8 to Rate Schedule FPC No. 25
(5) Supplement No. 4 to Rate Schedule FPC No. 29

Docket No. ER80–750

Filing Party: Public Service Company of Indiana
Other Party:
(1) Indiana & Michigan Electric Company
(2) Central Illinois Public Service Company
(3) Southern Indiana Gas & Electric Company
(4) City of Peru, Indiana
(5) Cincinnati Gas & Electric Company
(6) Hoosier Energy Division of Indiana Statewide
(7) City of Logansport, Indiana
(8) Kentucky–Indiana Pool Agreement
(9) Northern Indiana Public Service Company
(10) City of Crawfordsville, Indiana
Effective: (1)–(10)—September 2, 1980, subject to refund

Designation

Public Service Company of Indiana:
(1) Supplement No. 8 to Rate Schedule FPC No. 49
(2) Supplement No. 13 to Rate Schedule FPC No. 205
(3) Supplement No. 9 to Rate Schedule FPC No. 207
(4) Supplement No. 9 to Rate Schedule FPC No. 212
(5) Supplement No. 2 to Rate Schedule FPC No. 218
(6) Supplement No. 18 to Rate Schedule FPC No. 222
(7) Supplement No. 7 to Rate Schedule FPC No. 223
(8) Supplement No. 13 to Rate Schedule FPC No. 225
(9) Supplement No. 5 to Rate Schedule FPC No. 227
(10) Supplement No. 9 to Rate Schedule FPC No. 229

Docket No. ER80–640

Filing Party: Ohio Power Company
Other Party: Cleveland Electric Illuminating Company
Effective: (1), (2), (4), (5) & (6)—September 1, 1980; (3)—September 2, 1980, subject to refund

Designation

Ohio Power Company:
(1) Supplement No. 11 to Rate Schedule FPC No. 31 (Short Term Power)
(2) Supplement No. 12 to Rate Schedule FPC No. 31 (Supersedes Supplement No. 9) (Limited Term Power)
(3) Supplement No. 13 to Rate Schedule FPC No. 31 (Emergency Service)
Cleveland Electric Illuminating Company:
(4) Supplement No. 10 to Rate Schedule FPC No. 1 (Short Term Power)
(5) Supplement No. 11 to Rate Schedule FPC No. 1 (Limited Term Power)
(6) Supplement No. 12 to Rate Schedule FPC No. 1 (Emergency Service)

Docket No. ER80–721

Filing Party: Dayton Power & Light Company
Other Party: Cincinnati Gas & Electric Company
Effective: (1) September 1, 1980—Sections III & IV; September 1980, subject to refund—Sections I & II; (2) Same as (1) above

Designation

Dayton Power & Light Company:
(1) Supplement No. 8 to Rate Schedule FERC No. 38 (Modification No. 2)
Cincinnati Gas & Electric Company:
(2) Supplement No. 2 to Rate Schedule FERC No. 39 (Concurs in (1) above)

Docket No. ER80–722:

Filing Party: Dayton Power & Light Company
Other Party: Ohio Power Company
Effective: September 2, 1980, subject to refund—Service Schedules B & E; September 1, 1980—all other service schedules

Designation

Dayton Power & Light Company:
(1) Supplement No. 10 to Rate Schedule FPC No. 31

Docket No. ER80–726

Filing Party: Columbus & Southern Ohio Electric Company
Other Party: Dayton Power & Light Company
Effective: (1) September 2, 1980, subject to refund—Section 3.12 of Service Schedule A, 3.2.2 of Service Schedule D; September 1, 1980—for all other sections of Modification No. 2; (2) Same as (1) above

Designation

Columbus & Southern Ohio Electric Company:
(1) Supplement No. 2 to Rate Schedule FERC No. 29 (Modification No. 2)
Dayton Power & Light Company:
(2) Supplement No. 2 to Rate Schedule FERC No. 37 (Concurs in (1) above)

Docket No. ER80–616

Filing Party: Wisconsin Public Service Corporation
Other Party: Wisconsin Power & Light Company
Effective: (1)–(6) September 2, 1980, subject to refund

Designation

Wisconsin Public Service Corporation:
(1) Supplement No. 28 to Rate Schedule FPC No. 17 (Supersedes Supplement Nos. 22 & 27) (Participation Capacity)
(2) Supplement No. 29 to Rate Schedule FPC No. 17 (Emergency Energy)
(3) Supplement No. 30 to Rate Schedule FPC No. 17 (Short Term Power)
(4) Supplement No. 31 to Rate Schedule FPC No. 17 (Maintenance Energy)
(5) Supplement No. 32 to Rate Schedule FPC No. 17 (General Purpose Energy)
Wisconsin Power & Light Company:
(6) Supplement No. 24 to Rate Schedule FPC No. 14 (Supersedes Supplement Nos. 15–18, 23) (Concurs in (1)–(5) above)

Docket No. ER80–618

Filing Party: Wisconsin Public Service Corporation
Other Party: Wisconsin Power & Light Company; Madison Gas & Electric Company
Effective: (1)–(7) September 2, 1980, subject to refund

Designation

Wisconsin Power Service Corporation:
(1) Supplement No. 6 to Rate Schedule FPC No. 33 (Supersedes Supplement No. 5) (Participation Power)
(2) Supplement No. 7 to Rate Schedule FPC No. 33 (Emergency Energy)
(3) Supplement No. 8 to Rate Schedule FPC No. 33 (Short Term Power)
(4) Supplement No. 9 to Rate Schedule FPC No. 33 (Maintenance Energy)
(5) Supplement No. 10 to Rate Schedule FPC No. 33 (General Purpose Energy)
Wisconsin Power & Light Company:
(6) Supplement No. 4 to Rate Schedule FPC No. 99 (Supersedes Supplement Nos. 2, 4–7, 12) (Concurs in (1)–(5) above)
Madison Gas & Electric Company:
(7) Supplement No. 6 to Rate Schedule FPC No. 5 (Supersedes Supplement No. 5) (Concurs in (1)–(5) above)

Docket No. ER80–747

Filing Party: Central Illinois Public Service Company
Other Party: Southern Illinois Power Cooperative, Inc.
Effective: September 2, 1980, subject to refund

Designation

Central Illinois Public Service Company:
Supplement No. 17 to Rate Schedule FPC No. 74

Docket No. ER80–748

Filing Party: Central Illinois Public Service Company
Other Party: Public Service Company of Indiana
Effective: September 2, 1980, subject to refund

Designation

Central Illinois Public Service Company:
Supplement No. 8 to Rate Schedule FPC No. 45

Docket No. ER80-754

Filing Party: Central Illinois Public Service Company
Other Party: Kentucky Utilities Company
Effective: (1) September 2, 1980, subject to refund, (2) September 1, 1980

Designation

Central Illinois Public Service Company:
(1) Supplement No. 8 to Rate Schedule FPC No. 59
Kentucky Utilities Company:
(2) Supplement No. 10 to Rate Schedule FPC No. 81 (Concurs in (1) above)

Docket No. ER80-782

Filing Party: Commonwealth Edison Company
Other Party: Wisconsin Power & Light Company
Effective: (1) September 1, 1980, (2)-(6) September 2, 1980, subject to refund

Designation

Commonwealth Edison Company:
(1) Supplement No. 1 to Supplement No. 1 to Rate Schedule FPC No. 16 (Limited Term Service)
(2) Supplement No. 1 to Supplement No. 8 to Rate Schedule FPC No. 16 (Emergency Energy)
(3) Supplement No. 2 to Supplement No. 8 to Rate Schedule FPC No. 16 (Short Term Power)
(4) Supplement No. 1 to Supplement No. 5 to Rate Schedule FPC No. 16 (Maintenance Energy)
(5) Supplement No. 1 to Supplement No. 6 to Rate Schedule FPC No. 16 (General Purpose Energy)
Wisconsin Power & Light Company:
(6) Supplement No. 3 to Rate Schedule FPC No. 106 (Concurs in (1)-(5) above)

Docket No. ER80-667

Filing Party: Wisconsin Power & Light Company
Other Party: Northern States Power Company (Minn) Northern States Power Company (Wisc)
Effective: (1)-(7) September 2, 1980, subject to refund

Designation

Wisconsin Power & Light Company:
(1) Supplement No. 1 to Rate Schedule FERC No. 124 (Emergency Energy)
(2) Supplement No. 2 to Rate Schedule FERC No. 124 (Maintenance Energy)
(3) Supplement No. 3 to Rate Schedule FERC No. 124 (General Purpose Energy)
(4) Supplement No. 4 to Rate Schedule FERC No. 124 (Short Term Power)
(5) Supplement No. 5 to Rate Schedule No. 124 (Limited Term Power)
Northern States Power Company (Minn.):
(6) Supplement No. 10 to Rate Schedule FERC No. 410 (Supersedes Supplement Nos. 2, 4-7) (Concurs in (1)-(5) above)
Northern States Power Company (Wisc.):
(7) Support No. 1 to Rate Schedule FERC No. 65 (Concurs in (1)-(5) above)

Docket No. ER80-668

Filing Party: Wisconsin Power & Light Company
Other Party: Dairyland Power Cooperative
Effective: (1)-(4) September 2, 1980, subject to refund

Designation

Wisconsin Power & Light Company:
(1) Supplement No. 9 to Rate Schedule FPC No. 123 (Supersedes Supplement No. 2) (Emergency Energy)
(2) Supplement No. 10 to Rate Schedule FPC No. 123 (Supersedes Supplement No. 4) (Short Term Power)
(3) Supplement No. 11 to Rate Schedule FPC No. 123 (Supersedes Supplement No. 5) (Maintenance Power)
(4) Supplement No. 12 to Rate Schedule FPC No. 123 (Supersedes Supplement No. 6) (General Purpose Energy)

Docket No. ER80-731

Filing Party: Illinois Power Company
Other Parties: Central Illinois Public Service Company, Union Electric Company, Tennessee Valley Authority
Effective: September 2, 1980, subject to refund

Designation

Illinois Power Company:
Supplement No. 10 to Rate Schedule FPC No. 48

Docket No. ER80-749

Filing Parties: Central Illinois Public Service Company
Other Party: Illinois Power Company, Union Electric Company, Tennessee Valley Auithority
Effective: September 2, 1980, subject to refund

Designation

Central Illinois Public Service Company:
Supplement No. 10 to Rate Schedule FPC No. 66

Docket No. ER80-662

Filing Party: Ohio Edison Company
Other Party: Columbus & Southern Ohio Company
Effective: (1) August 1, 1980, (2) Section 3.1.2 of Service Schedule A, Section 3.2.2 of Service Schedule B—September 2, 1980, subject to refund; Remaining portion of Modification No. 3—September 1, 1980

Designation

Ohio Edison Company:
(1) Supplement No. 6 to Rate Schedule FERC No. 143 (Modification No. 2)
(2) Supplement No. 7 to Rate Schedule FERC No. 143 (Modification No. 3)

Docket No. ER80-720

Filing Party: Dayton Power & Light Company
Other Party: City of Piqua, Ohio
Effective: September 1, 1980—First Revised Schedule B; September 2, 1980, subject to refund—First Revised Schedule C

Designation

Dayton Power & Light Company:
Supplement No. 1 to Supplement No. 8 to Rate Schedule FERC No. 34

Docket No. ER80-646

Filing Party: Indiana & Michigan Electric Company
Other Party: Central Illinois Public Service Company (CIPS)
Effective: (1) September 1, 1980, (2) & (3) September 2, 1980, subject to refund

Designation

Indiana and Michigan Electric Company:
(1) Supplement No. 18 to Rate Schedule FPC No. 67 (Supersedes Supplement No. 17) (Short Term & Limited Term Power)
(2) Supplement No. 19 to Rate Schedule FPC No. 67 (Supersedes Supplement No. 11) (Emergency Energy)
Central Illinois Public Service Company:
(3) Supplement No. 11 to Rate Schedule FPC No. 62 (Concurs in (2) above)

Docket No. ER80-732

Filing Party: Wisconsin Electric Power Company
Other Party: Commonwealth Edison Company
Effective: (1) September 1, 1980; (2-6) September 2, 1980, subject to refund

Designation

Wisconsin Electric Power Company:
(1) Supplement No. 11 to rate Schedule FPC No. 33 (Supersedes Supplement No. 4) (Limited Term Power)
(2) Supplement No. 12 to Rate Schedule FPC No. 33 (Supersedes Supplement Nos. 5 and 10) (Emergency Energy)
(3) Supplement No. 13 to Rate Schedule FPC No. 33 (Supersedes Supplement Nos. 7 and 10) (Short Term Power)
(4) Supplement No. 14 to Rate Schedule FPC No. 33 (Supersedes Supplement No. 8) (Maintenance Energy)
(5) Supplement No. 15 to Rate Schedule FPC No. 33 (Supersedes Supplement No. 9) (General Purpose Energy)
Commonwealth Edison Company:
(6) Supplement No. 4 Rate Schedule FPC No. 14 (Supersedes Supplements Nos. 2 and 3) (Concurs in (1)-(5) above)

Docket No. ER80-678

Filing Party: Union Electric Company
Other Parties: Arkansas—Missouri Power Company (AMPC), Associated Electric Cooperative, Inc. (AEC); (2) AMPC; (3) AEC; (4) City of Columbia, Missouri; (5) Iowa Power and Light Company; (6) Iowa Southern Utilities Company; (7) Kansas City Power and Light Company; (8) Kentucky Utilities Company; (9) AEC, Kansas Gas and Electric Company, Public Service Company of Oklahoma; (10) Missouri Public Service Company; (11) St. Joseph Light and Power Company; (12) Central Illinois Public Service Company, Illinois Power Company, Tennesseee Valley Authority; (13), (14), and (15) Union Electric Company.
Effective: (13) September 1, 1980; Others—September 2, 1980, subject to refund

Union Electric Company:
(1) Supplement No. 13 to Rate Schedule FPC No. 94
(2) Supplement No. 9 to Rate Schedule FPC No. 68
(3) Supplement No. 11 to Rate Schedule FERC No. 95
(4) Supplement No. 7 to Rate Schedule FERC No. 96
(5) Supplement No. 14 to Rate Schedule FPC No. 74
(6) Supplement No. 6 to Rate Schedule FPC No. 63
(7) Supplement No. 10 to Rate Schedule FPC No. 66

(8) Supplement No. 15 to Rate Schedule FPC No. 90 (Executed Second Amendment)
(9) Supplement No. 10 to Rate Schedule FPC No. 79
(10) Supplement No. 12 to Rate Schedule FPC No. 67 (Executed Third Amendment)
(11) Supplement No. 6 to Rate Schedule FPC No. 75 (Executed Second Amendment)
(12) Supplement No. 12 to Rate Schedule FPC No. 76

Kentucky Utilities Company:
(13) Supplement No. 3 to Rate Schedule FPC No. 100 (Concurs in (8) above)

Missouri Public Service Company:
(14) Supplement No. 5 to Rate Schedule FPC No. 24 (Concurs in (10) above)

St. Joseph Light and Power Company
(15) Supplement No. 2 to Rate Schedule FPC No. 14 (Concurs in (11) above)

[FR Doc. 80-35024 Filed 11-7-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RI80-13]

Amoco Production Co. v. Phillips Petroleum Co.; Complaint

November 4, 1980.

Take notice that on August 28, 1980, Amoco Production Company (Amoco) filed a complaint with the Federal Energy Regulatory Commission (FERC) against Phillips Petroleum Company (Phillips). Amoco alleges that Phillips refuses to pay Amoco's effective filed rate which contains a tax component. Amoco filed for a rate increase by means of Supplement No. 29 to its Rate Schedule No. 57. Amoco sells gas to Phillips who resells it to Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) under Phillips Rate Schedule No. 4. Amoco asserts that Phillips collects tax reimbursement from Michigan-Wisconsin for the sale of gas but refuses to flow through the tax reimbursement to Amoco. Amoco maintains further that the Commission ruled, in its order Adopting Initial Decision with Modification, issued October 8, 1974 in *Amoco Production Company*, Docket Nos. RI71-691 and RI73-70, 52 FPC 895 that Amoco was entitled to the disputed tax. In its August 8, 1980 filing Amoco requests that the Commission promptly institute under Section 20 of the Natural Gas Act proceeding against Phillips Petroleum Company (1) granting judgment to Amoco, (2) directing Phillips to pay all tax reimbursement amounts now due and owning to Amoco under Amoco's Rate Schedule No. 57, plus accrued interest at the rate prescribed in Section 154.102 of the Commission's Regulations, and (3) directing Phillips to pay Amoco from and after the date of the Commission's order, the rate on file and effective under Amoco's FERC Gas Rate Schedule No. 57.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 4, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this complaint are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-35026 Filed 11-7-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RA80-118]

Campus Chevron; Filing of Petition for Review

November 4, 1980.

Take notice that Campus Chevron on September 16, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before November 19, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before November 19, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-35036 Filed 11-7-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3459]

Cascade Waterpower Development Corp.; Application for Preliminary Permit

November 4, 1980.

Take notice that Cascade Waterpower Development Corporation (Applicant) filed on September 12, 1980, an application for preliminary permit [pursuit to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3459 to be known as Mason Dam Project located on the Powder River in Baker County, Oregon. The proposed project lies wholly on lands owned by the U.S. Water and Power Resources Service (WPRS). Correspondence with the Applicant should be directed to: Mr. David Holzman, P.O. Box 246, June Lake, California 93529.

Project Description—The proposed project would consist of: an intake structure, penstock through the existing WPRS 185-foot high earthfill Mason Dam, a powerhouse, and tailrace channel. The project would utilize excess irrigation water.

Purpose of Project—The Applicant intends to market the power generated by the project to local public utilities.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct technical studies and surveys, perform preliminary designs, quantity and cost estimates, and a feasibility analysis, conduct environmental studies and assessments, and prepare an FERC license application. No new roads are required to complete the studies.

The estimated cost of the work to be performed under the preliminary permit is $72,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine

the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 9, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c), (*as amended* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 7, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is availble for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35027 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3441]

Eastern States Energy & Resources, Inc.; Application for Preliminary Permit

November 4, 1980.

Take notice that Eastern States Energy & Resources, Inc. (Applicant) filed on Sept. 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3441 to be known as Green River Lock and Dam No. 5 on the Green River in Warren and Butler Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jeffrey M. Kossak, Suite 1900, 14 Wall Street, N.Y., N.Y. 10005. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers flood control project, Green River Lock and Dam No. 5. Project No. 3441 would consist of: (1) a proposed powerhouse located on the southern bank of the river; (2) proposed transmission line; and (3) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 7MW, and the annual energy output to be 31GWh.

Purpose of Project—Energy produced at the proposed project would be sold to Kentucky Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned estimates long with obtaining agreements with other Federal, State and local agencies is estimated to be $57,500.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 10, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of

these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3441. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35028 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-58-000]

The Hartford Electric Light Co.; Purchase Agreement

November 4, 1980.

The filing Company submits the following:

Take notice that on October 27, 1980, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule entitled: Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Massachusetts Municipal Wholesale Electric Company (MMWEC), dated as of April 1, 1979.

HELCO states that the Purchase Agreement provides for a sale to MMWEC of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1980.

HELCO requests that the Commission waive the customary notice period and permit the rate schedule to become effective on November 1, 1979.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO under an agreement between it and the North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been delivered to MMWEC.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35029 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-10-000]

Iverson Service Station; Filing of Petition for Review

November 4, 1980.

Take notice that Iverson Service Station on October 22, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in period proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before November 19, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who has denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before November 19, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H.025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35021 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-95]

National Fuel Gas Supply Corp.; Technical Conference

November 3, 1980.

Take notice that a conference of technical representatives from National Fuel Gas Corporation and the Commission Staff will be held at 10:00 a.m. on November 13, 1980, in Room 5300C of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any interested party to this proceeding wishing to send a technical representative to the conference may do so.

Kenneth F. Plumb,

Secretary.

[FR Doc. 35037 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-60-00]

Niagara Mohawk Power Corp.; Proposed Tariff Filing

November 4, 1980.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 27, 1980, tendered for filing as a rate schedule, an agreement between Niagara and the Green Mountain Power Corporation (Green Mountain) dated December 17, 1979.

The agreement provides for the purchase for resale of power from the Ontario Hydro Electric Commission (Ontario Hydro) and the transmission of such power to Green Mountain. Niagara has charged Green Mountain at the same rate paid to Ontario Hydro. No percentage adders were attached to the purchase for resale.

Niagara inadvertently misplaced the agreement without filing with the Federal Energy Regulatory Commission. Niagara requests a waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of December 17, 1979.

Copies of the filing were served upon the Green Mountain Power Corporation and the Public Service Commission of the State of New York.

Any persons desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions shall be filed on or before November 24, 1980. Protests will be considerd by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35038 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-55-000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

November 4, 1980.

The filing company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 27, 1980 tendered for filing as a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (Rochester) dated August 28, 1980.

Niagara presently has on file an agreement with Rochester dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 92. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Rochester as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1980.

Copies of the filing were served upon the Rochester Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practices and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35022 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-57-000]

Niagara Mohawk Power Corp.; Filing

November 4, 1980.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on October 27, 1980 tendered for filing as a rate schedule, an agreement between Niagara and Central Hudson Gas and Electric Corporation (Central Hudson) dated August 28, 1980.

Niagara presently has on file an agreement with Central dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 88. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Central Hudson as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1980.

Copies of this filing were served upon the Central Hudson Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35023 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-56-000]

Niagara Mohawk Power Corp.; Filing

November 4, 1980.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 27, 1980 tendered for filing as a rate schedule, an agreement between Niagara and Orange and Rockland Utilities, Inc. (Orange and Rockland) dated August 28, 1980.

Niagara presently has on file an agreement with Orange and Rockland dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 89. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Orange and Rockland as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1980.

Copies of this filing were served upon the Orange and Rockland Utilities, Inc. and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35030 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-59-000]

Niagara Mohawk Power Corp.; Cancellation

November 4, 1980.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on October 27, 1980, tendered for filing a cancellation of an agreement between Niagara and the Green Mountain Power Corporation (Green Mountain) dated December 17, 1979 which was filed with the Federal Energy Commission on October 24, 1980.

The agreement provides for the purchase for resale of power from the Ontario Hydro Electric Commission (Ontario Hydro) and the transmission of such power to Green Mountain. Niagara has charged Green Mountain at the same rate paid to Ontario Hydro. No percentage adders were attached to the purchase for resale.

Niagara inadvertently misplaced the agreement without filing with the Federal Energy Regulatory Commission. Niagara filed the agreement with the Commission on October 24, 1980 and has requested a waiver of the Commission's prior notice requirements in order to allow the said agreement to become effective as of December 17, 1979. The transmission service to Green Mountain ended on March 30, 1980. The proposed cancellation date is March 31, 1980.

Copies of this filing were served upon the Green Mountain Power Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10. All such petitions or protests should be filed on or before November 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35031 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3153]

Public Utility District No. 1 of Wahkiakum County; Application for Preliminary Permit

November 4, 1980.

Take notice that Public Utility District No. 1 of Wahkiakum County (Applicant) filed on July 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3153 to be known as Grays River Project located on the Grays River in Pacific and Wahkiakum Counties, Washington. Correspondence with the Applicant should be directed to: Donald E. Bowes, Partner, R. W. Beck and Associates, 200 Tower Building, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) a concrete diversion dam, 50 feet high, including a central uncontrolled spillway and fish passage facilities; (2) a concrete lined power tunnel, 10 feet in diameter and approximately 11,200 feet long; (3) a powerhouse containing two vertical shaft Francis-type turbines and generating units, having a total installed capacity of 17 MW, located in the lower reaches of the gorge area; and (4) a new 115-kV wood pole transmission line, extending from the power site 6.5 miles in a southwesterly direction to the Naselle to Cathlamet 115-kV transmission line.

Purpose of Project—The power developed by the project will be used by the applicant, a municipal corporation which distributes power to 1,700 customers. The power produced by the project in excess of the Applicant's needs would be made available first to Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of three years, during which it would prepare a definitive project report, prepare preliminary designs, conduct geologic explorations, with various Federal, State, and local agencies, and prepare a FERC license application. The cost of these activities is estimated by the applicant to be $800,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 22, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 20, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c), *as amended*, 44 Fed. Reg. 61328 (October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d), *as amended*, 44 Fed. Reg. 61328 (October 25, 1979).

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments files, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 22, 1980. The Commission's address is: 825 North

Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35033 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-277 (Phase I)]

Pennsylvania Power Co.; Filing

November 4, 1980.

The filing company submits the following: Take notice that on October 27, 1980, Pennsylvania Power Company (PPC) submitted for filing a corrected compliance filing as result of certain errors which were contained in PPC's compliance filing of October 1, 1980.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before November 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35039 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-61-000]

Potomac Edison Co.; Proposed Tariff Change

November 4, 1980.

The filing Company submits the following: Take notice that The Potomac Edison Company, on October 28, 1980, tendered for filing a Supplement to its FERC Electric Service Tariff, Volume No. 3 consisting of an Electric Service Agreement with the Shenandoah Valley Electric Cooperative, Inc. The Agreement supersedes a previous Agreement between The Potomac Edison Company and the Cooperative. The Potomac Edison Company has requested that the Agreement be deemed effective as of November 1, 1979, in order that the date of the Agreement and its applicability coincide. The proposed changes will have no effect upon purchases under other rate schedules and no change in rates is proposed in the Agreement.

The reasons for the proposed changes are to update the format and language of the Agreement, and to provide for an additional interconnection point.

A copy of the filing has been served upon the Shenandoah Valley Electric Cooperative, Inc., upon the Virginia State Corporation Commission, and upon the West Virginia Public Service Commission by The Potomac Edison Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35040 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2964]

City of Sturgis; Application for Amendment of License

November 4, 1980.

Take notice that on June 26, 1980, the City of Sturgis (Applicant) filed an application for amendment of its license for the City of Sturgis Dam Project, FERC Project No. 2964, located on the St. Joseph River in the County of St. Joseph, near the Town of Centreville, Michigan. Correspondence with Applicant on this matter should be addressed to: Mr. R. Lennie Scott, Lawson-Fisher Associates, 525 West Washington Street, South Bend, Indiana 46601.

Project Description—The City of Sturgis Dam Project would consist of: (1) an existing reservoir with a surface area of 480 acres and a gross storage capacity of 6,550 acre-feet at normal pool elevation of 825.5 feet msl; (2) an existing composite dam with a concrete section 300 feet long and 25 feet high, and an earth section 500 feet long with an average height of 12.5 feet, south of the concrete section; (3) an existing powerhouse containing two generating units, each rated at 550 kW, and a proposed powerhouse containing two generating units, each rated at 810 kW; (4) a proposed 12-foot diameter concrete pipe penstock; and appurtenant facilities.

Under the proposed amendment, the Applicant would construct a powerhouse, surge tank, intake structure, and related facilities. The new powerhouse would contain two new units, each rated at 810 kW, and would generate a total estimated annual output of 8,365,800 kWh.

The Applicant states that the two additional units would decrease its dependence on purchasing power from the Indiana and Michigan Electric Company. Electric power generated at the project would be sold to customers of the City of Sturgis Electric Utility.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before December 17, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35034 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-5-000]

Texas Eastern Transmission Corp.; Petition for Order Approving Refund Plan

November 4, 1980.

Take notice that on October 21, 1980, Texas Eastern Transmission Corporation (Texas Eastern) filed a petition for an order approving a proposed refund plan whereby Texas Eastern would flow through to its customers in the form of a lump sum cash payment the jurisdictional portion of $115,465.10 in refunds which Texas Eastern has received from Southern Natural Gas Company (Southern).

Additionally, Texas Eastern requests that the Commission waive its regulations and prior orders and the provisions of Texas Eastern's FERC Gas Tariff to the extent necessary to approve Texas Eastern's refund plan.

Texas Eastern states that copies of the filing have been mailed to all of its affected customers and interested state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene, file comments, or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 (18 CFR 1.8, 1.10). All such petitions, protests or comments should be filed on or before November 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35041 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RI80-16]

TransOcean Oil, Inc.; Petition for Declaratory Order

November 4, 1980.

Take notice that on September 23, 1980, TransOcean Oil, Inc. (TransOcean), 1700 First City East Bldg., 1111 Fannin Street, Houston, Texas 77002 filed a petition for declaratory order in Docket No. RI80-16 pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure. TransOcean requests that the Commission determine whether TransOcean is contractually authorized to collect the maximum lawful price applicable to sales of its interest in gas produced from the Patterson Field, St. Mary's Parish, Louisiana.

The gas is sold pursuant to the terms of a 1965 Gas Sales Contract between Placid Oil Company (Placid) and TransOcean's predecessor in interest (J. Ray McDermott & Co.) and American Louisana Pipeline Company, the predecessor to Michigan Wisconsin Pipe Line Company. Placid, which serves as operator, filed the contract as its Gas Rate Schedule No. 40 covering both its and TransOcean's interests. On January 5, 1978, TransOcean's petition states that Placid executed a contract amendment providing that the Seller was entitled to charge and collect the highest applicable lawful price. TransOcean has since drilled a new well (the Shadyside No. 10) for which the Section 107 price under the Natural Gas Policy Act of 1978 has been charged and collected. TransOcean now asks the Commission to determine if it is entitled to the highest lawful price for such sale.

Any person desiring to be heard or to make any protest with reference to said petition should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All such petitions or protests should be filed on or before December 4, 1980. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35042 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-62-000]

Washington Water Power Co.; Filing

November 4, 1980.

The filing Company submits the following: Take notice that on October 29, 1980, The Washington Water Power Company (Washington) tendered for filing copies of an interim agreement with Bonneville Power Administration (Bonneville) associated with an earlier filed General Transfer Agreement which formalizes transmission service initiated during the negotiation of the General Transfer Agreement.

A recently filed General Transfer Agreement provides for transmission service which Bonneville and Washington each provide to the other party for that party's customers connected to the other part's transmission facilities. This General Transfer Agreement replaced a multitude of agreements under which similar service had been provided for man years and supercedes this interim agreement. This interim agreement formalizes arrangements under which transmission service was provided to a number of new points of delivery during the negotiation of the General Transfer Agreement. The terms and conditions of service to these new points of delivery under the interim agreement was provided under the same terms and conditions as specified in the several agreements then in existence.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35043 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-164-002]

Western Gas Interstate Co. Tariff Filing

November 3, 1980.

Take notice that Western Gas Interstate Company ("Western"), on October 28, 1980, filed, pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations Under the Natural Gas Act, First Revised Sheet No. 9 and Third Revised Sheet No. 22 to its FERC Gas Tariff, Original Volume No. 2.

Western states that the tendered tariff sheets have been modified to include certain additional delivery points for Western and Panhandle Eastern Pipeline Company in their November 21, 1969 Gas Purchase and Sales Agreement, reflected in Western's FERC Gas Tariff, Original Volume No. 2, as Rate Schedule X-1 as approved by the Commission in its order dated May 27, 1970 in Docket No. CP70-164. Western has requested an effective date of November 27, 1980, for the tendered tariff sheets.

Western filed on October 22, 1979, a petition to further amend the May 27, 1970 order to provide for the delivery of natural gas at additional points for exchange and the construction and operation of facilities therefor, all as

more fully set forth in the petition. The Commission issued its Order Amending Order Issuing Certificate of Public Convenience and Necessity and Granting Petition to Intervene on March 20, 1980. Said order granted Western and Panhandle the authorization for certain additional delivery points and the construction and operation of facilities necessary therefor.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rule of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Nov. 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35044 Filed 11-7-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF EDUCATION

Education Appeal Board; Proceedings Scheduled for December

AGENCY: Department of Education.

ACTION: Notice of Education Appeal Board Proceedings Scheduled for December 1980.

SUMMARY: This notice advises readers that the Education Appeal Board has scheduled a prehearing conference in the *Appeal of the State of Arizona*, Docket No. 1–(37)–78, for December 10, 1980, and in the *Appeal of the State of Arizona*, Docket No. 2–(38)–78, for December 11, 1980. 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: Under the Education Amendments of 1978 (20 U.S.C. 1234), the Education Appeal Board has authority to conduct (1) audit appeal proceedings, (2) withholding, termination, and cease and desist proceedings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board. For information concerning the Board and its procedures, see the Board's final regulations as published in the **Federal Register** on April 3, 1980 (45 FR 22634).

Prehearing Conferences

The Education Appeal Board has scheduled prehearing conferences in two audit appeals for the month of December 1980:

(1) *Appeal of the State of Arizona*, Docket No. 1–(37)–78. The prehearing conference is scheduled for December 10, 1980, in Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. The conference will begin at 11:00 a.m.

In its appeal, Arizona is contesting final audit determinations made by the Deputy Commissioner for Elementary and Secondary Education (now the Assistant Secretary for Elementary and Secondary Education). The Deputy Commissioner found that in fiscal years 1973 and 1974 the State educational agency improperly charged the costs of administering the migrant program conducted under Title I of the Elementary and Secondary Education Act of 1965 to program funds. The Deputy Commissioner also found that in fiscal year 1974, the State educational agency charged migrant program funds for personnel services, audio-visual services and other activities directed toward entire school populations rather than toward migrant children, and used a portion of the amount spent on personnel services to supplant normal district funding. The Deputy Commissioner requested a refund of $230,723.00 from Arizona.

(2) *Appeal of the State of Arizona*, Docket No. 2–(38)–78. The prehearing conference is scheduled for December 11, 1980, in Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. The conference will begin at 10:30 a.m.

In this appeal, Arizona is contesting final audit determinations made by the Associate Commissioner for Elementary and Secondary Education (now the Assistant Secretary). The Associate Commissioner found that in fiscal years 1968 and 1969, the State educational agency approved projects under Title I of the Elementary and Secondary Education Act of 1965 in the Tucson Elementary School District that were not specifically designed to provide educational assistance to educationally deprived children. The Associate Commissioner also found that in fiscal years 1968 and 1969, the Roosevelt and Phoenix Elementary School Districts used Title I funds to supplant State and local funds available for conducting classes for the mentally retarded. For fiscal years 1966 through 1969, the Associate Commissioner found that the State educational agency approved local claims against Title I funds for county administrative and miscellaneous expenditures that were not related to Title I; that the State educational agency claimed workshop, printing, and moving costs that were not related to Title I; and that the Phoenix and Tucson school districts used Title I funds to make unallowable equipment purchases. The Associate Commissioner requested a refund of $762,023.00 from Arizona.

Intervention

Section 100d.43 of the final regulations establishing procedures for the Education Appeal Board provides that an interested person, group, or agency may, upon application to the Board Chairperson, intervene in appeals before the Education Appeal Board, including the two appeals listed above.

An application to intervene must indicate to the satisfaction of the Board Chairperson or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in and information relevant to the specific issues raised in the appeal. 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)

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: November 5, 1980.

David S. Pollen,

Chairman, Education Appeal Board.

[FR Doc. 80-35015 Filed 11-7-80; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51161; TSH FRL 1663-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences.

Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by November 28, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St. SW., Washington, DC 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St. SW., Washington, DC 20460, (202–426–8816).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50444—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before November 28, 1980, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51161]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 31, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80–269.

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. December 28, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—In excess of $500 million.
Manufacturing site—East-north central U.S.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Dineoalkyl ester of glycerine.

Use. Component of a metal coating formulations.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	50,000
2nd year	50,000	200,000
3d year	200,000	500,000

Physical/chemical properties.

Physical state—Viscous liquid.
Weight/gallon—9.0 lb.
Molecular weight—500.
Hydroxyl number—442.9.
Acid number—5.
Vapor pressure—5.4 Torr at 65.6° C.
Flash point—121° C.
Decomposition point—Starts at 255° C.
Water solubility—7.5 pct.
Elemental analysis—C—59.2 pct; H—5.9 pct; and O—34.9 pct.

Toxicity data.

Acute dermal toxicity (rabbits)—0% Mortalility.
Primary eye irritation (rabbits)—Extremely irritating without washout; Severely irritating with washout after 30 seconds.
Primary skin irritation (rabbits)—Mildly irritating.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (mg/m³)	
			Hours/day	Days/year	Average	Peak
Manufacture	Dermal	3	2	65	0–1	1–10
Use	Dermal	2	<1	65	0–1	1–10
Disposal	Dermal	4	<2	50	0–1	1–10

The manufacturer states that a maximum of 150 people will be exposed to a vital coating formulation containing less than 10% of the PMN substance for commercial use and not more than 10 people will be exposed to the formulation weekly at the submitter's location.

Environmental Release/Disposal. The manufacturer states that less than 10 kilograms of the substance will be released to the environment per year. Disposal of waste materials will be by landfill.

PMN 80–270.

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. December 28, 1980.

Manufacturer's Identity. Inmont Corp., 5935 Milford Ave., Detroit MI 48210.

Specific Chemical Identity. Glycidyl methacrylate, hydroxy propyl methacrylate, 12-hydroxystearic acid, methacrylic acid, methyl methacrylate polymer.

Use. Automotive enamels.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	10,000	15,000
2d year	15,000	20,000
3d year	20,000	25,000

Physical/Chemical Properties.

Molecular weight—50,000.
Hydroxyl number—45–55.
Acid number—15–20.
Weight/gallon—9.8 lb.

Toxicity Data. No data were submitted.

Exposure. Inmont Corp. states that there will be no exposure to workers, users and/or customers to the new substance.

Environmental Release/Disposal. The manufacturer states that the manufacturing process is a closed system and nothing is released to air or water.

[FR Doc. 80-34960 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-01-M

[PF-203; PH-FRL 1663-2]

Certain Pesticide Chemicals; Filing of Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed requests with the EPA to establish tolerances for residues of pesticide chemicals in or on raw agricultural commodities and food items.

ADDRESS: Written comments and inquiries should be directed to the: Designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–203]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency to establish tolerances for residues of certain pesticide chemicals in or on certain raw agricultural commodities and food items in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP OH 5272. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland, OH 44144. Proposes amending 21 CFR Part 193 by establishing a regulation permitting the combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile) and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile) on the commodity citrus oil at 10 parts per million (ppm). (PM 21, Eugene M. Wilson, Rm. E.349, 202–755–1806).

PP OF2405. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland, OH 44144. Proposes amending 40 CFR 180.275 by establishing tolerances for the combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile) and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile) in or on the raw agricultural commodities oranges and grapefruit at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography with an electron capture detector. (PM 21, Eugene M. Wilson, Rm. E–349, 202–755–1806).

(Secs. 408d(d)(1), 68 Stat. 512, (7 U.S.C. 135); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: November 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-34962 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-5902B; TSH-FRL 1664-2]

Dialkyl Thionocarbamate; Premanufacture Exemption Application Denial

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is denying an application for exemption from the premanufacture notification (PMN) requirements of section 5 of the Toxic Substances Control Act (TSCA) for the test marketing of dialkyl thionocarbamate because the Agency cannot find that the manufacture, processing, distribution in commerce, use and disposal of the substance, or any combination of such activities will not present any unreasonable risk of injury to health or the environment. This Notice also amends the earlier notice of receipt of the exemption application to provide for a generic chemical identity and a generic use.

FOR FURTHER INFORMATION CONTACT: Cynthia Work, Notice Review Branch, Chemical Control Division (TS–794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Under section 5(a) of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for a commercial purpose must submit a premanufacture notice (PMN) to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing

substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the required contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit such applicants to manufacture or process new chemical substances for test marketing purposes. To grant an exemption, the agency must find, pursuant to section 5(h)(1)(A), that the test marketing activities will not present any unreasonable risk of injury to health or the environment. Section 5(h)(6) provides that EPA must either approve or deny the application within 45 days of its receipt and must publish a notice of its decision in the **Federal Register**. If EPA grants a test marketing exemption, it may, pursuant to section 5(h)(1)(B), impose restrictions on the test marketing activities.

EPA may deny an exemption application if (1) it finds that the subject chemical substance will pose an unreasonable risk of injury to health or the environment or, (2) if the Agency lacks sufficient information to make the finding that the test marketing activities will not pose any unreasonable risk during test marketing activities. This exemption is denied because EPA lacks sufficient information to find that the test marketing of the subject substance will not pose an unreasonable risk to health or the environment.

On July 16, 1980, EPA received an application from the Minerec Corporation ("Minerec") of Baltimore, Maryland, for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. Notice of receipt of this application, designated TME 80–34, appeared in the **Federal Register** on August 1, 1980. (45 FR 51271). The submitter claimed confidential all information provided in the application except for the company's name, pursuant to section 14 of TSCA. With the submitter's approval the Agency subsequently developed a generic chemical identity and generic use for the subject chemical as follows:

Generic chemical identity: Dialkyl thionocarbamate

Generic use: Froth flotation reagent for metallic ores.

Minerec did submit some physical-chemical data on the PMN chemical; however, it did not submit toxicity data. EPA was unable to find toxicity data on the PMN substance itself, but did identify carcinogenicity concerns with carbamates, the general class of chemicals of which the PMN substance is a member and into which it may metabolize. The Agency further identified a close structural analogue which indicates that the PMN chemical could act as an antithyroid agent. The Agency was also unable to resolve concerns regarding possible ecological hazards posed by the new chemical, as related substances are currently used as biocides.

The manufacturer did provide some information on the numbers of workers exposed and the duration and types of exposure. However, the Agency is concerned that there may be significant additional environmental release and worker exposure, particularly during processing and use of the chemical.

In order to approve an exemption of a new chemical for test marketing purposes, EPA must make an affirmative finding that test marketing of the substance will not present an unreasonable risk of injury to health or the environment; it is not sufficient that EPA find only that it has no evidence to indicate that there will be an unreasonable risk. In making such an affirmative finding, the Agency will consider information on the likely toxicity of the chemical, its physical and chemical properties, and on exposure of the substance to humans or the environment, including information on method of processing and manufacturing, use, worker and consumer exposure, environment release, disposal and other factors.

As indicated above, the application provided no information on the toxicity of the substance and insufficient information on exposure. While the absence of information in the application does not by itself constitute a basis for a denial, it clearly hinders the Agency's ability to make the necessary findings, particularly because EPA has only 45 days in which to determine whether there is an adequate basis for finding that there will be no unreasonable risk. If EPA has significant uncertainty at the end of the review period concerning the risk presented by test marketing due to lack of information on toxicity or exposure, the Agency will not approve an application. In this case, EPA cannot make a finding of no unreasonable risk merely on the basis of the relatively low production volume, given the insufficient information and toxicity concerns. Therefore, the Agency is denying this request for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture this substance for test marketing purposes.

As a result of this decision, Minerec Corporation may not commence manufacture/import of dialkyl thionocarbamate for test marketing purposes. Minerec or any other person who intends to manufacture this substance for test marketing purposes may submit another application for exemption at any time, but should include additional information and data sufficient to establish that the production of the new substance for test marketing purposes will not pose an unreasonable risk to health and the environment. Unless an exemption is granted, no person may commence manufacture of the substance for non-exempt commercial purposes unless he has complied with section 5(a) by submitting a premanufacturing notice as described in section 5(d)(1).

Dated: November 4, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-34957 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51144A; TSH-FRL 1663-6]

Ethene-Alkene-Vinyl Carbonyl Amine Polymer; Premanufacture Notice; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects certain information on a premanufacture notice on the new substance ethene-alkene-vinyl carbonyl amine polymer.

FOR FURTHER INFORMATION CONTACT: Mary Cushmac, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460. (202–426–3980).

SUPPLEMENTARY INFORMATION: EPA issued a notice of receipt of a PMN identified as PMN 80–240 submitted by a certain company for the manufacture of the above new chemical substance. The summary of the PMN was published in the **Federal Register** of October 1, 1980 (45 FR 65030) as provided for in section 5(a)(1) of the Toxic Substance Control Act (TSCA).

In the FR Doc. 80–30371 appearing at page 65030, third column under "Manufacturer's Identity", the entry following "Standard Industrial Classification Code" is corrected to read

"2822 'Snythetic Rubber (Vulcanizable Elastomers)' ".

Dated: October 31, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 80-34959 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51166; TSH-FRL 1664-3]

Hydrogen Zeolites; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by December 8, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Robert Smith, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW, Washington, DC 20460, (202-426-8816).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before December 8, 1980, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51166]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 31, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-280.

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. January 7, 1981.

Manufacturer's Identity. Norton Co., P.O. Box 350, Akron, OH 44309.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Hydrogen zeolites.

Use. Generic use provided: Air pollution control absorbents.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Solid powder.

Toxicity Data. No data were submitted.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (mg/m³)	
			Hours/day	days/year	Average	Peak
Manufacture	Inhalation skin contact.		2–4	260		5
Use	Inhalation skin contact.		4	1		

Environmental Release. The manufacturer states that 100 to 1,000 kilograms of the PMN substance will be released to the environment per year.

[FR Doc. 80-34955 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59038; TSH FRL 1663-4]

Polymer of: D-Glucose; Succinic Acid; Propanoic Acid, 2-Oxo; and Galactose; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by November 20, 1980. Persons should submit written comments on the application no later than November 25, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW, Washington, DC 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–208, Washington, DC 20460, (202–426–8816).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability on the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(d)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), had determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before November 25, 1980, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency Rm. E–447, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59038]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 31, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

TM 80–43.

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. November 20, 1980.

Manufacturer's Identity. Kelco, Div. of Merck & Co., Inc., 8355 Aero Dr. San Diego, CA 92123.

Specific Chemical Identity. Polymer of: *D*-Glucose; succinic acid; propanoic acid, 2-oxo; and galactose.

Use. Antimigrant in textile dyeing operations.

Production Estimates. Maximum: 25,000 pounds. Test period is not to exced a year from date of approval.

Physical/Chemical Properties.

Solubility—Soluble in water and water miscible solvent; insoluble in organic solvent.
Physical state—Powder.
Vapor pressure—Nil.
Melting point—>250°C.

Toxicity Data.

Acute Oral, LD_{50} (male, female rats)—>5,000 mg/kg.
Acute eye irritation (rabbits)—Non-irritant.
Acute Inhalation Toxcity, (rats) 4-hr. LC_{50}—>6.14 mg/l (nominal); >0.108 mg/l (gravimetric).

Exposure. The submitter states that approximately 25 workers in the manufacturing site and 150 in customers' plants (consisting of 30 customers) may be exposed to the substance by skin contact and dermal inhalation.

Environmental Release/Disposal. No data were submitted.

[FR Doc. 80-349617 Filed 11-7-80; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-59040; TSH—FRL 1663-7]

Polyurenthane; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by December 5, 1980. Persons should submit written comments on the application no later than November 25, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-221, Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances with EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before November 25, 1980, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-447, 401 M St. SW., Washington, D.C. 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59040]. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: October 31, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

TM 80-45.

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. December 5, 1980.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyurethane.

Use. Claimed confidential business information. Generic use provided: Component in industrial coatings.

Production Estimates. The manufacturer estimates that 2,500–5,000 kilograms of the substance will be produced for test market purposes to run for a period of six months. Six to ten companies will be provided with the product.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted; however, the submitter states that an Ames mutagenicity test has been conducted on a similar material which was negative and that no new and unusual health hazards are expected.

Exposure. The manufacturer states that a total of 32 man-hours and three employees will be required to manufacture the substance, and that direct exposure will occur only as a result of accidental spills or leaks.

Environmental Release. The manufacturer states that the product will be manufactured in closed kettles and therefore environmental release under normal operating conditions is nil.

[FR Doc. 80-34958 Filed 11-7-80; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

[Docket No. 80-67]

Los Angeles Steamship Association v. the City of Los Angeles; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

On September 26, 1980, the Los Angeles Steamship Association filed a complaint against the city of Los Angeles (the City) alleging that Item 205(e) of the City's tariff relating to pilotage is violative of the Shipping Act, 1916. The OEA has determined that the Commission's final resolution of Docket No. 80-67 will cause no significant adverse environmental effects in excess of those created by existing uses. The action sought would not change or modify the Los Angeles Harbor's use.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may comment on the environmental assessment on or before December 1, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80-35049 Filed 11-7-80; 8:45 am]

BILLING CODE 6730-01-M

Puerto Rico Maritime Shipping Authority; Application for Permission To Submit Alternative Data

The Federal Maritime Commission hereby gives notice that Puerto Rico Maritime Shipping Authority (PRMSA) has filed an application with the Commission for permission to submit alternative data pursuant to 46 CFR 512.2(d).

In support of general rate changes, carriers are required by the Commission's General Order 11, Revised, to submit actual financial data for a twelve-month period commencing not more than fourteen months prior to the filing data. If the filing is within 150 days of the end of its fiscal year, this requirement may be satisfied by the submission of the carrier's General Order 11, Revised, report for its fiscal year. PRMSA operates on a fiscal year ending June 30, and proposes to file a general rate change on or before December 15, 1980. Although more than 150 days will expire between June 30, 1980, and December 15, 1980, PRMSA purposes to use its fiscal year 1980 General Order 11, Revised, submission as the actual twelve months financial and operating data in support of its general rate increase.

Interested parties may inspect the data submitted in support of the application at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. Interested parties may submit comments on the application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before (20 days). A copy of any comments should also be forwarded to Puerto Rico Maritime Shipping Authority, c/o Amy Loeserman Klein, Galland, Kharasch, Calkins & Short, P. C., Canal Square, 1054 Thirty First Street, NW., Washington, DC. 20007, and the comments should indicate that this has been done.

Dated: November 3, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-35048 Filed 11-7-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 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 December 4, 1980.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Huntington Bancshares, Inc., Columbus, Ohio (insurance underwriting activities; Phoenix, Arizona): To engage

through its subsidiary, Scioto Life Insuarnce Company, in underwriting, as a reinsurer, credit life, accident, and health insurance directly related to extensions of credit by its subsidiary bank, The Huntington National Bank. These activities would be conducted from offices in Phoenix, Arizona and Springfield, Ohio, serving the areas where the bank is located.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Central National Bancshares, Inc., Des Moines, Iowa (management consulting activities; Iowa): To engage in providing management consulting advice on an explicit fee and noncontinuing basis to nonaffiliated banks located in Iowa. These activities would be conducted from an office in Des Moines, Iowa, serving the State of Iowa. Comments on this application must be received by November 28, 1980.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34951 Filed 11-7-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 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 December 4, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York, 10045:

Midlantic Banks Incorporated, West Orange, New Jersey (factoring, leasing, and loan servicing activities; North Carolina, South Carolina, Virginia, Tennessee, Georgia, Florida): To engage, through its subsidiary, Midlantic Commercial Company, in making or acquiring, for its own account or the account of others, loans and other extensions of credit as a factoring company; leasing personal property and equipment or acting as agent, broker, or advisor in the leasing thereof in accordance with the Board's Regulation Y, and servicing loans and other extensions of credit for any person. These activities would be conducted from an office in Charlotte, North Carolina, serving North Carolina, South Carolina, Virginia, Tennessee, Georgia, and Florida. Comments on this application must be received by December 2, 1980.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Equitable Bancorporation, Baltimore, Maryland (insurance underwriting activities; North Carolina, Virginia): To engage through its subsidiary Equiban Life Insurance Company, in underwriting, as reinsurer, of credit life insurance in connection with extensions of credit by Equitable Bancorporation's subsidiaries. These activities would be conducted from an office in Baltimore, Maryland, serving North Carolina and Virginia. Comments on this application must be received by December 3, 1980.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (finance and credit life, health and accident insurance activities; Pennsylvania): to engage through its subsidiary, Pacific Consumer Discount Company, in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small business and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit life, health and accident insurance. These activities would be conducted from an office of Security Pacific Consumer Discount Company in Bradford, Pennsylvania, serving the State of Pennsylvania.

D. *Other Federal Reserve Bank:* None.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34954 Filed 11-7-80; 8:45 am]

BILLING CODE 6210-01-M

Banko, Inc.; Proposal to Continue To Engage in Insurance Agency Activities

Banko, Inc., Osceola, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in activity of acting as agent in the sale of credit life, accident, and health insurance in connection with extensions of credit by its subsidiary bank. These activities would be performed from offices of Applicant in Osceola, Iowa, and the geographic areas to be served are Osceola and its surrounding areas within a 25-mile radius of Osceola. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by 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 the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 1, 1980.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34949 Filed 11-7-80; 8:45 am]

BILLING CODE 6210-01-M

Citibank International; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Citibank International, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Dallas, Texas. Citibank International operates as a subsidiary of Citibank, N.A., New York, New York.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34950 Filed 11-7-80; 8:45 am]

BILLING CODE 6210-01-M

Irving Trust International/Miami; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Irving Trust International/Miami, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish branches in Atlanta, Georgia; Chicago, Illinois; Dallas, Texas; and Los Angeles, California. Irving Trust International/Miami operates as a subsidiary of Irving Trust Company, New York, New York.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34953 Filed 11-7-80; 8:45 am]

BILLING CODE 6210-01-M

Pike Bancshares, Inc.; Formation of Bank Holding Company

Pike Bancshares, Inc., Petersburg, Indiana, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Petersburg, Petersburg, Indiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34948 Filed 11-7-80; 8:45 am]

BILLING CODE 6210-01-M

Williamsburg Holding Company; Formation of Bank Holding Company

Williamsburg Holding Company, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 per cent or more of the voting shares of Security Savings Bank, Williamsburg, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 26, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-34952 Filed 11-7-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

A Study of Consumer Response to the Availability of Advertised Specials; Extension of Comment Period

AGENCY: Federal Trade Commission.

ACTION: Extension of period to November 30, 1980 for public comment on the Study of Consumer Response to the Availability of Advertised Specials.

SUMMARY: The Commission is extending the public comment period an additional thirty-one days with respect to a study, conducted for the Commission by Market Facts, Inc., describing consumer response to the availability of advertised food specials.

DATE: Written comment will now be accepted until November 30, 1980.

FOR FURTHER INFORMATION CONTACT: Richard C. Donohue, Federal Trade Commission, Room 272, 6th Street &

Pennsylvania Ave., NW., Washington, DC 20580, Telephone: 202/523–3913.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission had previously released a study conducted by Market Facts, Inc., describing consumers' behavior and attitudes toward food store advertised specials. On September 9, 1980 (45 FR 59634, September 10, 1980), the Federal Trade Commission invited public comment on this study. In addition to comments on the Market Facts, Inc. study, the FTC is also seeking public comment on eight groups of questions concerning, among other things, whether the trade regulation rule should be kept as is, eliminated, modified or broadened to include other retailers such as drug stores, department stores, etc. The original comment period was to end on October 30, 1980. Comments will now be accepted until November 30, 1980.

Comments may be mailed to: Richard C. Donohue, Federal Trade Commission, Room 272, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. A copy of the Study of Consumer Response to The Availability of Advertised Specials as well as the list of questions prepared by staff are available in Room 130 of the Federal Trade Commission at the above address. Copies will be sent upon request.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-34972 Filed 11-7-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 30, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **FEDERAL REGISTER** is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 28, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Federal Maritime Commission

The FMC requests clearance of Form FMC–174a which requests statements of unearned passenger revenue and also serves as a reminder notice for semi-annual statements required by sections 540.9(h) and 540.27(h) of General Order 20. FMC has amended General Order 20, effective February 20, 1981, to raise the maximum financial responsibility required of vessel owners, charterers or operators from $5,000,000 to $10,000,000. FMC expects an increased percentage of certificants to qualify and maintain their Performance certificates based upon unearned passenger revenue experience rather than submitting the $10,000,000 maximum. Such certificants will be required to report the highest amount of unearned passenger revenue semi-annually to the Commission so that the correct amount of coverage required can be determined and maintained. Form 174a is used by the FMC to request statements of unearned passenger revenue and also to serve as a reminder notice for semi-annual statements required by sections 540.9(h) and 540.27(h) of General Order 20. The FMC estimates respondents will number approximately 40 and that 2 reports will be filed annually by each, requiring a preparation time of 4 hours per report.

John M. Lovelady,

Senior Group Director, Regulatory Reports Review.

[FR Doc. 80-35052 Filed 11-7-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Child Abuse and Neglect Advisory Board; Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, of the meeting of the Advisory Board on Child Abuse and Neglect Meeting, November 13, 1980, from 10:00 a.m. to 4:30 p.m., Rooms 339A & 337A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C.

The Advisory Board on Child Abuse and Neglect was established by the Department of Health and Human Services to assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

At this meeting the Advisory Board will discuss the Comprehensive Plan, the Annual Report to the Secretary, Federal Standards Update, the Child Abuse and Neglect 5th National Conference, Child Abuse and Neglect Legislation, and Child Abuse and Neglect Funding Priorities for FY 1981.

Further information on the Advisory Board meeting may be obtained from Ms. Arlene Taylor, National Center on Child Abuse and Neglect, Room 3754, Donohoe, Building, P.O. Box 1182, Washington, D.C. 20013, Telephone (202) 755–8208.

Advisory Board meetings are open for public observation.

Failure to give 15 days notice is due to the uncertainty of knowing whether funds would be available to provide travel for the public members.

Dated: November 4, 1980.

Mamie J. Welborne,

Human Development Services Committee Management Officer.

[FR Doc. 80-35018 Filed 11-7-80; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

HHS Consumer Affairs Council; Notice of Meeting

SUMMARY: This notice sets forth the scheduled date of the second meeting of the HHS Consumer Affairs Council. This meeting is being held under the Department of Health and Human Service's Consumer Affairs Charter to comply with E.O. 12160 established by President Carter in the **Federal Register**, Vol. 45 No. 112, Monday, June 9, 1980, page 38981. ALL WELCOME!

DATE: Wednesday, November 12, 1980, 10:00 a.m.–12 noon

ADDRESS: 200 Independence Ave., S.W., Room 800 Washington, D.C. 20201

FOR FURTHER INFORMATION CONTACT: Susan L. Randolph, Assistant—Consumer Affairs Ofc., 200 Independence Avenue, S.W., Room 622E, Washington, D.C. 20201 (202)245–0409.

Dated: November 4, 1980.

Belle B. O'Brien,

Assistant to the Secretary for Consumer Affairs.

[FR Doc. 80-35019 Filed 11-7-80; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service modifies its acceptance of three suggestions for addition of items to the agenda of the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and requests information and comments on one of those items.

ADDRESSES: Information and comments should be sent to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Information and comments received will be open to public inspection during normal business hours at the Federal Wildlife Permit Office, Room 616, 1000 N. Glebe Road, Arlington, Virginia.

DATE: The Service will consider information and comments received by November 21, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Parsons, Chief, Federal Wildlife Permit Office, Washington, D.C. 20240, telephone 703/235-2418.

SUPPLEMENTARY INFORMATION:

Modification of Notice

In a **Federal Register** notice of August 11, 1980 (45 FR 53238), the Service announced that it had accepted three suggestions for the addition of items to the provisional agenda of the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). The notice also provided for the combination of two of these items, "The Treatment of Species Included in Appendix I or Appendix II in Order to Control Trade in Other Listed Species" and "Scientific Authority Review of Applications for Importation of Appendix I Specimens," under a broader agenda item to be entitled "Scientific Authority Findings on Nondetriment to the Survival of the Species." Although the Service by letter dated September 4, 1980 to the CITES Secretariat submitted two papers entitled "The Treatment of Species Included in Appendix I or Appendix II in Order to Control Trade in Other Listed Species" and "Scientific Authority Review of Applications for Importation of Appendix I Specimens," the Service did not suggest a broader entitled agenda item encompassing them. Instead the Service stated in the letter that it believed that the papers would fit appropriately under the existing agenda item XV, Interpretation and Implementation of the Convention. The Service believes that by narrowing the agenda item to the specific subjects covered by these two papers, the focus of discussion will be centered on the substance of the papers, thus better enabling the Parties to reach decisions on the resolutions contained in those papers.

The notice of August 11 also provided for transmission to the Secretariat of a suggested provisional agenda item entitled "Trade with Nonparty Countries." This item was an outgrowth of the Service's consultations with its Management Authority contacts (a group consisting of representatives of other Federal agencies and organizations interested in CITES) on provisional agenda item XV.1, Effects of Reservations. The Service recently received a letter dated September 4, 1980 from the Management Authority for Australia, the Australian National Parks and Wildlife Service (ANPWS). The letter included three proposals for additional agenda items here printed in full:

Proposed Agenda Item

Regulation of Trade in Appendix II Wildlife

Australia is concerned that the Convention is simply documenting the decline of Appendix II species in spite of the fact that Article IV.3 of the Convention should prevent any decline once a species is listed in Appendix II.

Article IV.3 of the Convention states:

> A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

Australia does not believe that in general "suitable measures * * * to limit the grant of export permits" are being undertaken. In order to take such measures it is necessary to have detailed information on the total ecology of a species and this is lacking in the majority of cases.

Australia requests that the Conference of Parties consider ways in which the Administration of Article IV.3 can be improved. In particular it requests the Parties to consider the possibility of establishing an Expert Committee which would:

(i) Identify Appendix II wildlife that is traded extensively,

(ii) Consider the adequacy of present management programs, and

(iii) Advise on the development of research and management programs to enable commercial utilization of such wildlife without endangering its survival.

Australia also commends to Parties the Resolution of the Conference of the Parties made at Costa Rica (conf.2.6) which suggests that Parties should, if they have reason to believe that an Appendix II species is being traded to the detriment of its survival:

(i) Consult directly with Management Authorities or the Secretariat,

(ii) Make use of Article XIV to apply stricter domestic measures.

If importing Parties exercise independent judgment over whether or not to allow imports, rather than only relying on export documentation, exporting Parties will be encouraged to allocate more resources to the management of Appendix II species.

Proposed Agenda Item

Reverse Listing Concept for CITES Appendices

At the XVII World Conference of the International Council for Bird Preservation, 13-18 June 1978, the following resolution was adopted:

> Recognizing that any exploitation of wild birds should be based on sound biological and ecological principles;
>
> Being aware that data for evaluating the exploitation of birds on this basis are frequently lacking; and
>
> Recalling that at the first Meeting of the Conference of the Parties to the 1973 Convention on International Trade in Endangered Species (CITES), held in Bern in November 1976, a resolution was passed urging exporting countries gradually to restrict the collection of wild animals for that purpose with the object of eventually limiting the keeping of pets to those species which can be bred in captivity; and
>
> Recognizing the increasing practical problems involved in identifying the numerous species listed for varying degrees of control in the Appendices to CITES:

Recommends that governments of any countries which permit trade in birds should allow trade only in listed species which are not threatened by trade and that this principle be adopted by CITES to replace the present Appendices to the Convention.

This resolution identifies the problems arising from continuing additions to Appendices and recommends that the principle of "reverse or clean" listing be adopted by CITES to replace the present Appendices. Such lists would comprise only those species which have been proposed for commercial trade by a Party and for which there is agreement that a sufficient level of knowledge, management and control exists to ensure that the proposed trade will not threaten the species survival. The onus would be on the proponent to provide this data to the Conference of Parties and a proposal would be dealt with in a manner similar to that presently adopted for Appendix listings.

It is envisaged that there would be two or more listings to enable categorization according to levels of restrictions on trade. Commercial trade would only be permitted in species on these lists.

Australia commends to the Conference of Parties the principle of "reverse or clean" listing, and proposes that its adoption to replace the present Appendices be examined by an expert committee which would report to the next Conference of Parties.

Proposed Agenda Item

Interpretation of the Convention With Regard to the Exploitation of Wild Species

At the Second Meeting of the Conference of the Parties, Australia submitted for discussion a document on the subject of the impact of the Convention on non-listed wildlife. After some debate, Australia agreed to withdraw the paper and reconsider the matter for the next meeting.

During the debate at the Second Meeting it became apparent that there was a strong divergence of opinion between the Parties on the interpretation of the Convention with regard to the exploitation of wild species for products and derivatives. Two views can be summarized thus—

CITES provides:

(i) A mechanism whereby international trade in wildlife may be steadily reduced, and eventually stopped altogether, and

(ii) A mechanism to enable the rational use of wildlife as a sustainable and renewable resource.

Australia notes that the World Conservation Strategy published by I.U.C.N., U.N.E.P., and the W.W.F. contains the view that CITES provides a method by which regulation of international trade in wild plants and animals may be achieved.

Australia also notes that in the World Conservation Strategy, conservation is defined as "the management for human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations."

Australia urges Convention Parties to consider the objectives of the Convention with regard to the exploitation of wild species in international trade and to choose between the options in paragraph 2. The choice is necessary as the decision will have a significant impact on the manner in which parties interpret and implement the Convention.

Australia wishes to bring to the attention of Convention Parties Agenda Items[1] which is related to this question. The adoption of reverse listing would be consistent with the view of the World Conservation Strategy about the rational human use of wildlife.

Australia notes that it would also be consistent with the World Conservation Strategy for a Convention Party to permit the export and import of commercially exploited wildlife only when the species was taken under a scientifically controlled management program (see Agenda Item[2]).

Taken together, these ANPWS proposals express a concern that CITES is not effectively controlling trade in wild species. The Service believes that the ANPWS proposal to establish a technical expert committee to upgrade present species management programs could provide, if its mandate were somewhat expanded, an appropriate tool to address proposals directed at developing methods for more effectively controlling trade in wild species. Such a committee could consider the reverse listing of the Appendices, restrictions on trade with nonparty countries, as well as ways to improve the administration of Article IV.3.

The Service has decided that it was premature to raise the issue of non-trade with non-Parties in the format of a draft resolution, as a separate agenda item. Several interests, both inside and outside the government, were concerned that a proposal to cut off trade with non-Parties would have serious effects on legitimate trade, especially if all the complexities of such a proposal were not worked out in advance.

The Service believes that the Australian proposal, or other existing agenda items, would offer an opportunity to express our concerns about the effects of trading with non-Parties while leaving flexibility to find the best avenue for further work on the issue.

In light of the aforegoing, the Service will not transmit to the Secretariat a suggested provisional agenda item entitled "Trade with Nonparty Countries."

Request for Information and Comments

In view of the high probability that the issue of methods for the more effective control of trade in specimens of wild species will be raised at the New Delhi meeting, the Service requests information and comments on such issue especially with regard to the three Australian proposals set forth above for the purpose of developing a proposed negotiating position.

Possible Change of New Delhi Meeting Dates

Previous notices have stated that the third regular meeting of the Conference of the Parties to CITES would be held in New Delhi, India on February 2–13, 1981. The Service has recently been informed that the dates of the meeting may be changed to February 16–27, 1981 due to a time conflict with another international meeting. The Service is awaiting confirmation of this change from the CITES Secretariat, and will publish another notice regarding dates of the meeting after receipt of such confirmation.

This notice was prepared by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: October 30, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-34481 Filed 11-7-80; 8:45 am]

BILLING CODE 4310-55-M

[1] Note—Refers to "Reverse Listing Concept for CITES Appendices."

[2] Note—Refers to "Regulation of Trade in Appendix II Wildlife."

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-83F)]

Burlington Northern Inc.—Abandonment—Between Hastings and Randolph, IA; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided November 3, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject 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 Burlington Northern Inc. of a line of railroad known as the Hastings to Randolph line extending from railroad milepost 0.17 near Hastings, IA, to railroad milepost 11.79 at the end of the line near Randolph, IA, a distance of 11.62 miles, in Mills and Fremont Counties, IA. A certificate of public convenience and necessity permitting the abandonment was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of Section 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 (Section 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 with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than November 20, 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 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[F Doc. 80-34931 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388]

State Intrastate Rail Rate Authority—Pub. L. 96-448

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing requirement and procedures for State exercise of jurisdiction over intrastate rail rates.

SUMMARY: To exercise jurisdiction over intrastate railroad rates, State authorities are required by the Staggers Rail Act of 1980 to submit, for ICC approval, standards and procedures consistent with the new legislation. This notice directs the filing of these proposals and explains the standard of ICC review.

DATE: Proposals are due January 29, 1981. No extensions are permitted.

ADDRESS: An original and six copies of the proposal, signed by an authorized State official, should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 275-7693 or Martin Zell (202) 275-7138.

SUPPLEMENTARY INFORMATION: The Staggers Rail Act of 1980 amends 49 U.S.C. § 11501 to require that a State authority may only exercise jurisdiction over intrastate railroad rates exclusively in accordance with the Interstate Commerce Act, as amended. The new law also prohibits the exercise of jurisdiction by State authorities over general rate increases under 49 U.S.C. § 10706, inflation based rate increases under 49 U.S.C. § 10712 or fuel adjustment surcharges which we may authorize.

The new law requires that, on or before January 29, 1981, each State authority wishing to exercise jurisdiction over intrastate rail rates, classifications, rules, and practices shall submit to the ICC for approval standards and procedures (including timing requirements) consistent with this legislation. The same process must be repeated every five years. During each five-year period, State standards may not be changed without notifying the ICC and receiving our approval.

We do not anticipate that this certification procedure will be a difficult one. We do not expect State authorities to submit unnecessarily detailed or complicated proposals reiterating the provisions of the statute. We merely wish to receive sufficient information to conclude that the State authority intends to exercise jurisdiction consistent with the law, and to do so in a timely fashion.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

A copy of this notice will be served on the Governors, Public Service Commissions and the Transportation Committees in the legislatures of each State. It will also be available for inspection in the Office of the Secretary, Interstate Commerce Commission.

Dated: November 3, 1980.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34928 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29484]

Trans-Con Services, Inc.—Purchase (Portion)—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) in Arkansas and Louisiana

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Trans-Con Services, Inc. (Trans-Con) to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) located in Louisiana and Arkansas. The Commission is also setting a schedule for the proceeding so that a recommendation on the application may be issued by December 24, 1980.

DATES: (1) Verified statements supporting or opposing the application are due November 26, 1980.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due December 2, 1980.

(3) Verified replies in support or opposition are due December 11, 1980.

ADDRESSES: An original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, Attention RITEA acquisitions.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7026.

SUPPLEMENTAL INFORMATION: Trans-Con filed an application on September 15, 1980, as subsequently supplemented, under section 17(b) of the Milwaukee Railroad Restructuing Act, Pub. L. 96-101, 93 Stat. 736 (1979) and section 112 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254 (1980) (RITEA) for authority to purchase about 195 miles of trackage and right-of-way from the Rock Island in Louisiana and Arkansas. The application will be handled under the rules adopted in Ex Parte No. 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads*, 360 I.C.C. 623 (1980), 45 FR 6107 (January 25, 1980).

The properties to be acquired are:

(1) Trackage rights over the Louisiana & Arkansas Railway from Alexandria to Winnfield, LA, which would include the Rock Island yard at Alexandria, LA; and

(2) Trackage and right of way from Winnfield, LA, to Fordyce, AR, including all real estate between Winfield and Fordyce, which would include Rock Island yard and facilities at El Dorado, AR, and all trackage and real estate at Fordyce, AR.

Trans-Con has requested a waiver of the information required by 49 CFR 1111.21(a)(3)(ii), 1111.21(a)(3)(iii), and 1111.21(a)(3)(vii), and 1111.21(a)(3)(viii). These regulations pertain to the filing of (1) the agreement to purchase, (2) the Court order approving the agreement, and (3) impacts on railway labor and energy data. The waiver is requested because the information is not readily available.

Preliminarily, we note that under 49 CFR 1111.25(b)(7) (1) and (2), an application must be accepted or rejected no later than 10 days after the date of filing. Although Trans-Con filed its application on September 15, 1980, the application was substantially supplemented thereafter. We are waiving the above requirement in this instance because of the considerable public interest in considering proposals to acquire Rock Island property.

Due to the time constraints imposed by RITEA and the complexity of the arrangements that are not yet agreed upon, applicant did not submit all the information required by our rules. Temporary waivers for similar information were approved in advance in other applications. Since this applicant is similarly situated to those applicants, Trans-Con is granted until November 26, 1980 to either submit the information required in 49 CFR 1111.21(a)(3)(ii), (iii), and (vii) or explain why it cannot be submitted as of that date. In all other regards, we find the application to be in substantial compliance with the information required by our rules. Since Section 113 of RITEA obviates the need for additional energy data, applicant need not submit further information under 49 CFR 1111.21(a)(3)(viii).

Order No. 282 of the United States District Court for the Northern District of Illinois Eastern Division requires our decision in this proceeding by December 24, 1980.

Accordingly, the above schedule will apply to this proceeding. A copy of all comments should be served upon applicant's representative: J. H. Brown, President, Trans-Con Services, Inc., P.O. Box 44041, Shreveport, LA 71104.

It is ordered: 1. The application in Finance Docket No. 29484 is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on Nov. 4, 1980.

Dated: October 31, 1980.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34929 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

November 5, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. by November 25, 1980.

No. 43865, Southwestern Freight Bureau, Agent (No. B-97), new rule covering length of car applying on all traffic from or to stations in the United States covered by 233 SWFB and other individual lines tariffs. Grounds for relief—allow rail carriers to maximize efficient utilization of available equipment.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-34930 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: November 4, 1980.

In our recent decisions, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.3-percent. We are authorizing that the 13-percent surcharge for this traffic remain in effect, and that all owner-operators are to receive compensation at this level.

No change is authorized in the 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner operators, the 1.3-percent surcharge for United Parcel Service, nor in the 4.9-percent surcharge authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., November 7, 1980.

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

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

November 3, 1980 ..... 113.4¢

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.8	6.3	3.3
Percent surcharge developed	13.3	2.3	4.9	[3] 2.1
Percent surcharge allowed	13.0	2.3	4.9	[4] 1.3

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-34966 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-25770 appearing at page 56924 in the issue for Tuesday, August 26, 1980, make the following:

On page 56926, in the first column, in paragraph MC 149170 (Sub-17F) for Action Carrier, Inc., in the 14th line, "SC" should have read "SD".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-31067, appearing at page 66526 in the issue for Tuesday, October 7, 1980, make the following correction:

On page 66530, in the middle column, in the paragraph "MC 133173 (Sub-1F)", application of Armstrong Transfer and Storage Co., Inc., in the 11th line, "MJ" should have read "NJ".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commision's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication 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.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where 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 the absence of legally sufficient protests in the form of verified statements filed on or before December 26, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foeign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-060

Decided: October 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 145974 (Sub-10F), filed October 16, 1980. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

Volume No. OP4-114

Decided: October 31, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Jones not participating.

MC 146646 (Sub-123F), filed October 23, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in Bunkie, Mansura Junction, Hamburg, Simmesport, and Lettsworth, LA on the one hand, and on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OP5-045

Decided: October 29, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 131019F, filed September 9, 1980, previously noticed in the **Federal Register** issue of October 2, 1980. Applicant: ALTUS FREIGHT TRAFFIC SERVICE, INC., P.O. Box 357, Gladstone, NJ 07934. Representative: Kenneth A. Olsen (same address as applicant). To operate as a *broker*, in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

Note.—This republication indicates the correct decision-notice.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35062 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions Notice

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 November 10, 1980.*

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.gs., 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 term, conditions of limitations as if 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 on or before December 10, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of 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. 367

Decided: October 31, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 105566 (Sub-209F), filed September 24, 1979, previously noticed in the FR of March 14, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Office Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312. Transporting *such commodities* as are dealt in or used by manufacturers of glass containers, glsssware, closures, plastic articles, chinaware, and hardware (except in bulk), between the facilities of Anchor Hocking Corporation in CA, FL, TX, IL, IN, MD, MN, NJ, OH, PA, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to include the states of MD, MN, NJ, OH, and PA.

Volume No. 368

Decided: October 29, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 110098 (Sub-184F), filed June 4, 1980. (Republication). Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road (Box 20380), San Antonio, TX 78220. Representative: T. W. Cothern (same address as applicant). Transporting *paper and paper products, and plastic film and sheeting,* between Dallas, TX on the one hand, and, on the other, points in the United States in and west of NM, CO, WY, and MT. [Hearing site: Dallas, TX.]

Note.—This republication broadens the commodity description.

MC 123048 (Sub-445F), filed May 29, 1979, previously noticed in FR issue of December 11, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406, Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers of iron and steel articles (except commodities in bulk), between the facilities of Feralloy Corporation, at or near Birmingham, AL, on the one hand, and, on the other, points in AR, FL, GA, KY, IL, IN, IA, LA, MI, MO, MS, NC, OH, SC, TN, TX, and WI.

Note.—This republication changes Birmingham, IL, to Birmingham, AL.

MC 134519 (Sub-2F), filed June 19, 1980. Applicant: KNOXVILLE TOURS, INC., 5833 Clinton Highway, Knoxville, TN 37912. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Transporting *passengers and their baggage,* in charter operations, beginning and ending at points in Knox and Anderson Counties, TN, and extending to points in the U.S., (including AK and excluding HI).

MC 144883 (Sub-9F), filed June 18, 1979, previously noticed in FR issues of February 20, 1980 and May 29, 1980. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 92 East Main Street, Somerville, NJ 08876. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. *Contract carrier,* transporting *such commodities* as are dealt in by retail drug stores and cigar stores, (except commodities in bulk and foodstuffs) (1) from the facilities of Beecham Products Company at Rockwood, MI to Clifton, NJ, Morrisville

(Bucks County) PA, Los Angeles, CA, Denver, CO, Savannah, GA, Chicago, IL, Kansas City, MO, Milwaukie, OR, Memphis, TN, and Dallas, TX, (2) from the facilities of Beecham Products Company at Clifton, NJ to Rockwood, MI, Morrisville (Bucks County) PA, Los Angeles, CA, Denver, CO, Savannah, GA, Chicago, IL, Kansas City, MO, Milwaukie, OR, Memphis, TN, and Dallas, TX, and (3) from the facilities of Beecham Products Company at Morrisville (Bucks County) PA to Rockwood, MI, Clifton, NJ, Los Angeles, CA, Denver, CO, Savannah, GA, Chicago, IL, Kansas City, MO, Milwaukie, OR, Memphis, TN, and Dallas, TX, under continuing contract(s) with Beecham Products Company, of Pittsburgh, PA. (Hearing site: Washington, DC.)

Note.—This republication corrects the commodity description.

Volume No. 369

Decided: October 29, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 148089F filed August 9, 1979, published in FR issues February 20, 1980 and April 8, 1980. Applicant: MASONRY TRANSPORT, INC., 3211 North Roan Street, Johnson City, TN 37601. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. *Contract carrier* transporting *Such commodities as are dealt in or used by manufacturers and distributors of clay, clay products, concrete, concrete products, shale, shale products, construction materials, mortar mixes, sand, and cinders,* between the facilities of General Shale Products Corporation, at or near (a) Huntsville, AL, (b) Indianapolis and Evansville, IN, (c) Louisville, KY, Chattanooga, Elizabethton, Johnson City, Kingsport, and Knoxville, TN, and (e) Glasgow, Groseclose and Richlands, VA, and the following subsidiaries and affiliates of General Shale Products Corporation, Arkansas Lightweight Aggregate Corporation, at or near England and West Memphis, AR, Chattahoochee Brick Company, at or near Atlanta, GA, Cumberland Mountain Sand Corporation, at or near Hillsboro, TN, McMinnville Concrete Products, Inc., at or near McMinnville, TN, Smithville Concrete Company, at or near Smithville, TN, Sparta Concrete Company, at or near Sparta, TN, and Woodbury Concrete Company, at or near Woodbury, TN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX, under continuing contract(s) with General Shale Products Corporation of Johnson City, TN, and the following subsidiaries and affiliates of (1) above, (2) Arkansas Lightweight Aggregate Corporation of West Memphis, AR, (3) Chattahoochee Brick Company of Atlanta, GA, (4) Cumberland Mountain Sand Corporation of Hillsboro, TN, (5) McMinnville Concrete Products, Inc., of McMinnville, TN, (6) Smithville Concrete Company of Smithville, TN, (7) Sparta Concrete Company of Sparta, TN, and (8) Woodbury Concrete Company of Woodbury, TN.

Note.—This republication adds Sparta Concrete Company to the list of subsidiaries and affiliates, and shows the correct location for Smithville Concrete Company.

MC 148149F, filed August 24, 1979. Applicant: INDUSTRIAL TRUCKING CO., INC., 382 Newbury Street, Danvers, MA 01923. Representative: Joseph M. Klements, 84 State Street, Boston, MA 02109. Transporting *chemicals,* (1) between Peabody, Beverly, and Salem, MA, on the one hand, and, on the other, points in ME and New York, NY, (2) From Peabody, Beverly and Salem, MA to points in RI, NH, VT, NY, NJ and CT, and (3) from points in NJ to points in MA, NH, RI and CT. Condition: Prior or coincidental cancellation, at applicant's written request, of its certificate of registration in MC 98049 (Sub-1).

Volume No. 370

Decided October 29, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 146128 (Sub-10F) (republication), filed April 18, 1980. Applicant: MERRITT FOODS COMPANY, a corporation, d.b.a. MERRITT REFRIGERATED SERVICE, 2840 Guinotte Street, Kansas City, MO 64120. Representative: Authur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), from the facilities of Adams Transfer & Storage Co., and Mid-West Terminal Warehouse Co., at Kansas City, MO, to points in KS.

Note.—This republication broadens the territorial description as published July 15, 1980.

MC 147179 (Sub-2F), filed May 7, 1979. Applicant: JET SERVICES, INC., 1946 South First St., Milwaukee, WI 53204. Representative: William C. Dineen, 710 N. Plankirton Ave., Milwaukee, WI 53203. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or trailers having an immediately prior or subsequent movement by rail or water, between Chicago, IL, and Milwaukee, WI.

MC 148569 (Sub-2F), filed September 17, 1979. Applicant: JAMES BRUCE LEE & STANLEY LEE, d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 837 East 162nd St., South Holland, IL 60473. Transporting (1) *iron and steel hot rolled bars,* from the facilities of Wisconsin Steel, at Chicago, IL, to Anderson, Muncie, New Castle, and Indianapolis, IN, and Maryville, MO; (2) *iron and steel plate and sheet,* from Birmingham, AL, Gary, IN, Dearborn and Detroit, MI, Akron, Cleveland, Dayton, Toledo, and Youngstown, OH, and Monaca and Pittsburgh, PA, to the facilities of Pittsburgh-International Division of Pittsburgh Tube Company, at or near Fairbury, IL; (3) *wrought steel pipe,* from the facilities of Pittsburgh-International Division of Pittsburgh Tube Company, at or near Fairbury, IL, to Alabaster, Athens, Birmingham, Fairfield, Greenville, Jackson, Montgomery, and Winfield, AL, Jacksonville, Jonesboro, Little Rock, Pine Bluff, and Trumann, AR, Boulder and Denver, CO, Bridgeport, Hartford and New Haven, CT, Ashburn, Atlanta, Augusta, Dacula, Dalton, Forest Park and Monticello, GA, Cherryvale, Hutchinson, McPherson, Newton, Parsons, and Wichita, KS, Oakdale, LA, Baltimore, MD, Boston, Cambridge, Chelsea, Fall River, Holyoke, Malden, and Marlboro, MA, Minneapolis, Morris, Renville, and Winona, MN, Greenwood, Indianola, Tupelo, and Vicksburg, MS, Beatrice, Fremont, Hastings, Holdrege, Omaha and Valley, NE, Henderson, NV, Cedar Grove and Newark, NJ, Buffalo, Tonawanda and Walden, NY, Charlotte, Greensboro, Lewiston and Rocky Mount, NC, Newburgh, ND, Chickasha, Claremore, El Reno, Oklahoma City, and Tulsa, OK, Bala-Cynwyd, Butler, Camp Hill, Carnegie, Easton, Linesville, Monaca, Pine Grove, Pittsburgh, Ridgway, Tarentum, York and Zelienople, PA, Slatersville and Warwick, RI, Belton, Lyman, and Pawleys, SC, Brownsville, Dallas, Grand Prairie, Greenville, Houston, and Jasper, TX, Bridgewater and Richmond, VA, points in Kings County, NY, points in IN, IA, KY, MO, OH, TN, WI, and those points in the Lower Peninsula of MI; (4) *wrought steel tubing,* (a) from the facilities of Aladdin Steel, Inc., at or near Gillespie, IL, to Winfield, AL,

Harrison and Springdale, AR, Pittsburgh, KS, Detroit, Holland, Temperance, Romulus, and Ludington, MI, Albert Lea, Mora, and St. Paul, MN, Wyoming, NY, Columbus, Holland and Youngstown, OH, Chickasha and Healdton, OK, Montgomeryville and Paradise, PA, Maryville, TN, Boyd and Houston, TX, Charleston, WV, Eau Claire, WI, and points in IN, IA, KY, MO, NE, and SD, and (b) from Chicago, IL, and the facilities of (i) Charles E. Kline Company, at or near Warren, OH, (ii) Miami Industries, at Piqua, OH, (iii) Republic Steel at Ferndale, MI, (iv) Republic Steel and Roth Steel Tube, at Cleveland and Toledo, OH, (v) U.S. Metal Company, at or near Sharon, PA, and (vi) Pittsburgh-International, at or near Fairbury, IL, to the facilities of Aladdin Steel, Inc., at or near Gillespie, IL; (5) *pulpboard, fibreboard, leather and leather by-products,* and *materials, equipment, and supplies* used in the manufacture and distribution of pulpboard (except commodities in bulk), (a) between Bridgewater, MA, on the one hand, and, on the other, Hanover, Westfield and Akron, PA, Bonne Terre, Belle and St. Louis, MO, and Madison, IN, and (b) from Bridgewater, MA, to Franklin, TN, Flowery Branch, GA, and Luray, VA, restricted in (5)(a) and (b) to traffic originating at or destined to the facilities of Jenkins Products Corp. at Bridgewater, MA; (6) (a) *grain bins, storage tanks, fans, heaters, augers, dryers, pre-engineered steel buildings, greenhouses, and parts and accessories* for the aforementioned commodities from the facilities of Superior Equipment Manufacturing Co., at Mattoon, IL, to points in the U.S. (except AK and HI), and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (6)(a) above (except commodities in bulk), from St. Louis, MO, Detroit, and Grand Rapids, MI, Alton, Marengo, Hennepin and Chicago, IL, Houston, TX, Scottsburg and Sheffield, IA, Cleveland, TN, Redwing, MN, Valley, NE, Indianapolis, and Elwood, IN, Sharon, PA, Fort Smith, AR, and Dodge City, KS, to the facilities of Superior Equipment Manufacturing Co., at Mattoon, IL; (7)(a) *pulpboard, fiberboard, and leatherboard,* from the facilities of Robus Products Corporation, at Madison, IN, to Bridgewater, MA, Milwaukee, WI, Franklin, TN, St. Louis and Cape Girardeau, MO, and Hanover, PA, and (b) *offal, hide trimmings or pieces, chrome, or leather scrap, and tannery by-products,* from Milwaukee, WI, Boone Terre and Cape Girardeau, MO, Hanover, PA, Salem, MA, and Nashville, TN, to the facilities of Robus Products Corporation, at Madison, IN; (8) *magazines, magazine parts, printed paper, and printed inserts,* (a) from Pontiac, IL, to Milwaukee, New Berlin and Waukesha, WI, New York, NY, Fairview, Vineland and Trenton, NJ, Bridgeport, New Britain, North Haven, and Bristol, CT, Indianapolis, IN, Des Moines, Meredith and Mt. Pleasant, IA, Dayton, OH, Waseco, MN, Hialeah, FL, and Livonia, MI, and (b) from Bristol, CT, to Pontiac, Crystal Lake, Effingham, Bloomington and Chicago, IL, restricted in (8)(a) and (b) above to traffic originating at and destined to the facilities of City National Printing CO, (9) *printing paper* (other than newspaper or carbonized), (a) from Niagara Falls and Corinth, NY, Luke, MD, Millinocket, ME, Catawba, SC, and Biron, WI, to Pontiac, IL and Bristol, CT, and (b) between Pontiac, IL and Bristol, CT; (10) *magazines, magazine parts, printed paper and printed inserts* (other than newsprint or carbonized articles), from the facilities of City National Printing Co., at Pontiac, IL, to Jonesboro and Little Rock, AR, Old Saybrook, CT, Atlanta, GA, Yorktown, IN, Kansas City and Lawrence, KS, Detroit, MI, Oakland, CA, Minneapolis, MN, St. Louis, MO, Carlstadt and Hackensack, NJ, Akron and Cleveland, OH, Philadelphia, PA, Dallas, TX, Springfield, VA, Elkhorn, Madison, and Pewaukee, WI, and points in Nassau, Suffolk, Queens and Kings Counties, NY; and (11) *shoe heels,* and *materials, equipment and supplies* used in the manufacture and distribution of shoe heels, (a) between Pontiac, IL and Nashville, TN, and (b) between Pontiac, IL and Nashville, TN, on the one hand, and, on the other, Peoria, Chicago, Dixon, and Litchfield, IL, Indianapolis and Madison, IN, South Paris and Bar Mills, ME, Bridgewater, Brockton, and Boston, MA, St. Louis, Wright City, Piedmont, and Boone Terre, MO, Buffalo, NY, Hazelton and Pittsburgh, PA, Clarksville, Chattanooga, and Wartrace, TN, Dallas, Fort Worth, El Paso, Houston, Nocona, Hereford, and Plainview, TX, Pearlsburg, Luray, and Norfolk, VA, Marlinton, WV, and Milwaukee and Beloit, WI. Condition: Issuance of a certificate is subject to the prior or coincidental cancellation, at applicant's written request, of outstanding permits in MC–136848 Subs 1, 5, 7, 9, 11, 13, 15, 17, 18, 19F, 21F, 22F, and 24F, issued July 22, 1974, July 12, 1976, June 15, 1976, June 3, 1977, December 9, 1977, September 16, 1977, November 8, 1978, August 6, 1979, March 27, 1979, March 14, 1979, August 3, 1979, April 10, 1980, and April 4, 1980, respectively, and dismissal of its pending contract carrier application in MC–136848 Sub 23F.

Note.—The purpose of this application is to convert contract carrier authority to common carrier authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35064 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication 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.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where 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 the absence of legally sufficient protests in the forms of verified statements filled on or before December 26, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Liberman and Eaton.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–063

Decided: November 3, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 59241 (Sub-11F), filed October 28, 1980. Applicant: JOHN GIBBONS, INC., 1400 Industrial Hwy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1500 K Street, NW., Washington, DC 20005. Transporting (1) *paper and paper products* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Delaware, Philadelphia, and Bucks Counties, PA, on the one hand, and, on the other, points in RI, CT, MA, NH, VT, and ME, and those in NY on and east of Interstate Hwy 81.

MC 65491 (Sub-13F), filed October 28, 1980. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd Street, New York, NY 10469. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. Transporting *iron and steel articles*, between New York, NY, and Wheeling, WV.

MC 150211 (Sub-3F), filed October 22, 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 *sheet steel laminations*, between Niles, IL, on the one hand, and, on the other, points in TN, AL, MS, and AR.

MC 152390F, filed October 10, 1980. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138, Calcutta Branch, East Liverpool, OH 43920. Representative: James M. Burtch, 100 E. Broad Street, Columbus, OH 43215. Transporting (1) *clay products, and refractory products*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between points in Jefferson, and Columbiana Counties, 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.

Volume No. OP3–062

Decided: October 29, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 118535 (Sub-159F), filed September 15, 1980, previously noticed in the FR issue of October 3, 1980. Applicant: TIONA TRUCK LINE, INC., Inn Building, P.O. Drawer 312, Butler, MO 64730. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting (22) (a) *animal feed*, and *animal feed ingredients* and (b) *livestock feeders* and *livestock feeder parts*, (i) from Rogers, MN, to points in AR, CO, IL, IN, KS, KY, LA, MS, MO, NM, NE, ND, OK, SD, TN, TX, and WI, and (ii) from Minneapolis, MN, to points in AR, CO, IL, IN, KS, KY, LA, MS, MO, NM, NE, ND, OK, SD, TN, TX, and WI; (24) *dry corn products*, from Kansas City, MO, to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, NE, NM, ND, OH, OK, SD, TN, TX, and WI; and (39) *lead, lead alloys, and lead by-products*, from the facilities used by Schuylkill Metals Corp., near Forest City, MO, to points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MN, MS, NE, NM, ND, OK, SD, TN, TX, and WI.

Note.—This partial republication correctly states the territorial description.

Volume No. OP4–116

Decided: October 31, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 29886 (Sub-377F), filed October 2, 1980, previously noticed in the **Federal Register** issue of October 15, 1980, and republished this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314–39th Ave., Kenosha, WI 53142. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005. Transporting (1) *trucks and truck chassis*, in secondary movement, in truckaway service, and (2) *parts, equipment, and supplies* for the commodities in (1) above, between Chesapeake and Portsmouth, VA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly state the commodity description.

MC 126736 (Sub-138F), filed October 2, 1980, previously noticed in the **Federal Register** issue of October 16, 1980, and republished this issue. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., Jacksonville, FL 32202. Transporting (1) *commodities* in bulk, and (2) *commodities* in dump vehicles, between points in the U.S.

Note.—The purpose of this republication is to correctly state the commodity description.

Volume No. OP5–046

Decided: October 29, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 151968 (Sub-1F), filed October 14, 1980. Applicant: ALLSTATE TRANSPORTATION COMPANY, a Corporation, 10700 Lyndale Ave., South, P.O. Box 877, Minneapolis, MN 55440. Representative: George L. Hirschbach, 920 West 21st St., P.O. Box 155, South Sioux City, NE 68776. Transporting (1) *chain saws; snow throwers; and garden, lawn, turf, and golf course care equipment;* and (2) *materials, equipment, and supplies* used in the manufacture, sale, and installation of the commodities in (1) above, between points in the U.S., under continuing contract(s) with The Toro Company, of Minneapolis, MN. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

Volume No. OP5–047

Decided: October 29, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 97119 (Sub-3F), filed September 5, 1980, previously noticed in **Federal Register** issue of October 2, 1980. Applicant: MERCHANT TRANSPORT, INC., 5409 Georgia Ave., West Palm Beach, FL 33405. Representative: Norman J. Bolinger, 3100 University Blvd. S., Suite 225, Jacksonville, FL 32216. Transporting (1) *iron and steel articles*, (2) *concrete forming systems*, and (3) *commodities* requiring special equipment, (except those in (1) and (2) above, and oil field equipment and supplies), between points in FL.

Note.—This republication clarifies the commodity description. Applicant seeks to convert its Certificate of Registration MC 97119 to a Certificate of Public Convenience and Necessity.

MC 99439 (Sub-16F), filed October 3, 1980. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st St., Jacksonville, FL 32203. Representative: Norman J. Bolinger, 3100 University Blvd. S., Suite 225, Jacksonville, FL 32216. Transporting *commodities* requiring the use of special equipment, between points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MD, MS, MO, NE, NY, NC, OK, PA, SC, TN, TX, VA, and WV.

Note.—The person or persons who appear to be engaged in common control with

applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 144599 (Sub-7F), filed September 9, 1980, previously noticed in **Federal Register** issue of October 2, 1980. Applicant: TRANSFER, INC., 4750 Kentucky Ave., Indianapolis, IN 46241. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between the facilities of Trans-City Terminal warehouse, Inc., at points in Marion County, IN, on the one hand, and, on the other, points in AR, GA, IL, IN, KY, MI, MO, NJ, OH, PA, TN, TX, WV, WI, and VA.

Note.—This republication adds VA to the territory description.

Volume No. OP5–048

Decided: October 29, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

FF 448 (Sub-2F), filed October 8, 1980. Applicant: INTERMODAL CONTAINER EXPRESS, INC., One Appletree Square, Bloomington, MN 55420. Representative: Robert L. Cope, Suite 501, 1730 M St. NW., Washington, D.C. 20036. To operate as a *freight forwarder*, in interstate commerce, in the transportation of general commodities (except household goods as defined by the Commission, and classes A and B explosives), between points in IA, MN, ND, SD, WI, on the one hand, and, on the other, points in the U.S.

MC 113678 (Sub-892F), filed August 28, 1980, previously noticed in **Federal Register** issue of September 23, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *general commodities* (except household goods and classes A and B explosives), from points in Hudson County, NJ, and Philadelphia County, PA, to points in Los Angeles and San Francisco Counties, CA, Denver County, CO, Dade, Duval, Hillsborough, and Orange Counties, FL, Washoe County, NV, Clackamas, Multnomah, and Washington Counties, OR, Salt Lake County, UT, King County, WA and Los Angeles and San Francisco, CA, Denver, CO, Jacksonville, Miami, Orlando, and Tampa, FL, Portland, OR, Salt Lake City, UT, and Seattle, WA, and points in TX

Note.—This republication changes the commodity description and broadens the territorial description.

MC 117999 (Sub-8F), filed September 19, 1980, previously noticed in **Federal Register** issue of October 14, 1980. Applicant: TOM GALLO, P.O. Box 151, Ticonderoga, NY 12883. Representative: W. Norman Charles, P.O. Box 724, Glen Falls, NY 12801. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in CT, DE, MD, MA, ME, NH, NJ, NY, PA, RI, VT, VA, and DC, restricted to traffic originating at or destined to the facilities of International Paper Company. Condition: Prior or coincidental cancellation, at applicant's written request, of its authority in MC–117999 Sub 6F.

Note.—This republication adds ME to the territory description.

MC 130998F, filed August 26, 1980, previously noticed in **Federal Register** issue of September 23, 1980. Applicant: TRIPP ASSOCIATED LTD. 99 Pleasant Street, Northampton, MA 01060. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. To engage in operations as a *broker*, at Northampton, MA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in CT, MA, NE, NH, VT, RI, and DC, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35063 Filed 11-7-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–70

The following applications were filed in region 1.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, room 501, Boston, MA 02114.

MC 152138 (Sub-1–1TA), filed October 27, 1980. Applicant: D & J TRANSPORTATION SPECIALISTS, INC., Truckstop 7, 107 7th North Street, Liverpool, NY 13088. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Waste and hazardous waste for destruction or disposal only*, between points in the US. Supporting shipper: Cecos International, P.O. Box 619, Niagara Falls, NY 14302.

MC 114896 (Sub-1–8TA), filed October 27, 1980. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler, 255 Old New Brunswick Road, Piscataway, NJ 08854. *Contract carrier:* irregular routes: *Articles of unusual value*, from Chicago, IL to Cleveland, OH; Detroit, MI; New Haven, CT; San Francisco, CA; Denver, CO; Cincinnati, OH; Omaha, NE; Indianapolis, IN; Albany, NY; Seattle, WA; Silver Spring, MD; Cockeysville, MD; Richmond, VA; Charleston, WV; Atlanta, GA; Little Rock, AR; Topeka, KS; Kansas City, MO; Oklahoma City, OK; Dallas, TX; Fort Worth, TX; Houston, TX; San Antonio, TX; Boston, MA; Milwaukee, WI and Durham, NC. Supporting shipper: American Telephone & Telegraph Company, 195 Broadway, New York, NY 10007.

MC 152248 (Sub-1–1TA), filed October 27, 1980. Applicant: JEN-CHARTER, INC., 4 Gravin Street, Coram, NY 11727. Representative: Deborah Laper, 4

Gravin Street, Coram, NY 11727. *Contract carrier:* irregular routes: *Bulk coal in dump trailers* from Bethlehem, PA to St. James, NY. Supporting shipper: Falk Coal & Oil Co., 944 Middle Country Rd., St. James, NY 11780.

MC 143127 (Sub-1–22TA) (republication), filed September 25, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, 6070 Collett Road, Victor, NY 14564. *(1) Such commodities as are dealt in by grocery and food business houses (except in bulk) and, (2) materials, supplies and equipment used in the manufacture and distribution of commodities in (1) (except in bulk),* between Cattaraugus, Genesee, Livingston, Orleans and Seneca Counties, NY, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Curtice-Burns, Inc., Lent Ave., LeRoy, NY 14482.

MC 152173 (Sub-1–1TA), filed October 27, 1980. Applicant: TONAWANDA TANK TRANSPORT SERVICE INC., 1140 Military Road, Buffalo, NY 14217. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Hazardous waste and toxic materials;* between all points in the US. Supporting shipper: Frontier Chemical Waste Process, Inc., 4626 Royal Avenue, Niagara Falls, NY 14303.

MC 148431 (Sub-1–1TA), filed October 27, 1980. Applicant: WESTCHESTER FURNITURE DELIVERY, INC., P.O. Box 392, Milford, CT 06460. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. *New furniture,* between New York, NY and Milford, CT, on the one hand, and, on the other, points in MI and IN. Applicant intends to tack this authority with its existing operating rights at Milford, CT to service New England and Middle Atlantic points. Supporting shipper(s): Art Steel company, Inc., 170 West 233rd St., Bronx, NY 10463; Herman Miller, Inc., 8500 Bryan Rd., Zeeland, MI 49464; Kimball Office Furniture, Division of Kimball International, P.O. Box 460, Jasper, IN 47546.

MC 55898 (Sub-1–2TA), filed October 29, 1980. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Representative: David M. Marshall, Marshall and Marshall, 102 State Street, Suite 304, Springfield, MA 01103. *Construction materials and supplies* from Kewanee, IL, Gales Ferry, CT, Carteret, NJ, Baltimore, MD, Wilmington, DE, Steelton and Milton, PA, Rouses Points and Auburn, NY, and Highgate Springs, VT, to the facilities of K-Ross Building Supply Center, Inc. at or near Lebanon, NH. Supporting shipper: K-Ross Building Supply Center, Inc., Box 436, Lebanon, NH 03766.

MC 149511 (Sub-1–2TA), (Republication), filed September 10, 1980. Applicant: COASTAL REFRIGERATION, INC., 27 Lillibridge Drive, East Greenwich, RI 02818. Representative: Mary E. Kelley, Esq., 22 Stearns Avenue, Medford, MA 02155. *General commodities, (usual exceptions)* (1) between points in Morris, Passaic, Middlesex, Bergin, Hudson, Essex, Union, Somerset, Mercer, and Monmouth Counties, NJ; New York City, Cohoes and Albany, NY; and Nassau, Suffolk and Westchester Counties, NY, on the one hand, and, on the other, points in CT and MA; (2) between points in MA and CT. Supporting shippers: There are 6 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA. The sole purpose of this is to add Westchester County, NY, after Suffolk County omitted from Federal Register, Volume 45, No. 190, September 29, 1980, Page 64276.

MC 71593 (Sub-1–14TA), filed October 24, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson, 1608 E. Second Street, Scotch Plains, NJ 07076. *General commodities (except household goods as defined by the Commission and Class A and B explosives),* between St. Gabriel and Baton Rouge, LA, McIntosh and Mobile, AL, Memphis and Millingon, TN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Ciba-Geigy Corp., 444 Saw Mill River Road, Ardsley, NY 10502.

MC 143445 (Sub-1–5TA), filed October 24, 1980. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania St., Kearny, NJ 07032. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Meat, meat products and packinghouse products,* from the facilities of Geldin Meat Company at or near Los Angeles, CA to points in the U.S. Supporting shipper: Geldin Meat Co., Inc., 2677 East Vernon Ave., Los Angeles, CA 90058.

MC 108006 (Sub-1–1TA), filed October 24, 1980. Applicant: MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, LaSalle, Quebec H8N 1X4. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Detroit and Port Huron, MI, on the one hand, and, on the other, ports of entry on the US–CD boundary line at or near Detroit and Port Huron, MI. Applicant states that the purpose of the application is to utilize the Michigan ports of entry in lieu of Buffalo, NY, in connection with its Ontario authority. Supporting shipper: Maislin Transport, Ltd., 7401 Newman Blvd., LaSalle, Quebec, CD H8N 1X4.

MC 152404 (Sub-1–1TA), filed October 28, 1980. Applicant: DEL SORDO TRUCKING, 7 Summer Street, Fairhaven, MA 02719. Representative: William F. Polle, 41 Bea Drive, North Kingstown, RI 02852. *Carpet, carpet pads, floor coverings, supplies and related accessory items,* from points in GA, NC, SC, on the one hand, and, on the other, to points in CT, MA, ME, NH, RI, VT. Supporting shipper(s): There are nine statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 112107 (Sub-1–1TA), filed October 28, 1980. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Footwear, advertising displays, and accessories and supplies used in retail shoe stores* between Lebanon, NJ, on the one hand, and on the other, points in MA, RI, and CT. Supporting shipper: Meldisco Division of Melville Corp., 401 Hacksack Ave., Hackensack, NJ 07601.

MC 22675 (Sub-1–2TA), filed October 28, 1980. Applicant: ALLSTATES VAN LINES CORP., 53–13 97th Place, Corona, NY 11368. Representative: Robert J. Gallagher, Esq., Suite 1112, 1000 Connecticut Avenue, NW., Washington, DC 20036. *Household goods, as defined by the Commission,* between points in FL, GA, NC and VA; between the above named points on the one hand, and, on the other, points in SC, DC, MD, PA, RI, MA, ME, VT and NH; between NY, on the one hand, and, on the other, ME; between GA, on the one hand, and, on the other, NV. Supporting shipper: Allstates Worldwide Movers, Inc., 53–13 97th Place, Corona, NY 11368.

MC 2860 (Sub-1–20TA), filed October 27, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski, 71 West Park Avenue, Vineland, NJ 08360. *General commodities (except Classes A & B Explosives, household goods, as defined by the Commission, and commodities in bulk)* between points in NJ and OH.

Supporting shipper: Basco, Inc., Millvill, Millville, NJ 08332.

MC 148127 (Sub-1–11TA), filed October 27, 1980. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud, P.O. Box 5078, Manchester, NH 03108. *Lubricants, antifreeze, chemicals and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities* from Lowell, MA to points in the U.S. (except CT, MA, ME, NH and RI). Supporting shipper: Commonwealth Chemical Corp., 24 Payton Street, Lowell, MA 01852.

MC 150463 (Sub-1–2TA), filed October 27, 1980. Applicant: ROETHEL COACH LINES, INC., 515 Ford Street, Ogdensburg, NY 13669. Representative: Thomas G. Roethel, 515 Ford Street, Ogdensburg, NY 13669. *Passengers and baggage in charter and special operations* between Ogdensburg, NY on the one hand, and, on the other, the US/CD border crossings at Ogdensburg, Massena, Alexandria Bay, Niagara Falls, Trout River, and Champlain, NY. Supporting shipper(s): WYBG, Main & W. Orvis St., Flanders Inn, Massena, NY 13662; Executives Drum & Bugle Corps, 916 Lafayette St., Ogdensburg, NY 13669; City of Ogdensburg—Recreation Department, Community Center, Ogdensburg, NY 13669; Ogdensburg City School District—Athletic Department, 1100 State Street, Ogdensburg, NY 13669; Enlarged Ogdensburg City School District, 110 State Street, Ogdensburg, NY 13669.

MC 52579 (Sub-1–4TA), filed October 27, 1980. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Julius Saltzman, One Gilbert Drive, Secaucus, NJ 07094. *Wearing apparel, hanging loose and in cartons* from Greer, SC to Columbus, OH and Wilmington, DE. Supporting shipper: Sears, Roebuck and Co., Sears Tower, Chicago, IL 60684.

MC 152205 (Sub-1–1TA), filed October 27, 1980. Applicant: CATARACT TRUCK & CAR RENTAL CORP., 2445 Allen Avenue, Niagara Falls, NY 14303. Representative: William Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Non-radioactive hazardous waste* between points east of the states of ND, SD, KS, OK, and TX. Supporting shipper: Cecos International, Inc., Niagara Falls Blvd. & Walmore Road., Niagara Falls, NY 14304.

MC 152376 (Sub-1–1TA), filed October 27, 1980. Applicant: TABLOID SHIPPERS, INC., 1101 Tonnelle Avenue, North Bergen, NJ 07047. Representative: William J. Augello, Esq., Augello, Pezold & Hirschmann, P.C., 120 Main Street, P.O. Box Z, Huntington, NY 11743. *Printed matter* between points in the US. Supporting shippers: There are six statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 143445 (Sub-1–6TA), filed October 24, 1980. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania Street, Kearny, NJ 07032. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *General commodities (except classes A & B explosives, household goods as defined by the Commission, articles of unusual value, commodities in bulk, and those requiring special equipment),* between points in NY, CT and MA, on the one hand, and, on the other, points in CA, CO, FL, GA, IL, MI, MN, OH, OR, TX and WA, restricted to traffic moving on bills of lading of Charter Oak Shippers Cooperative Association, Inc. Supporting shipper: The Charter Oak Shippers Association, Inc., One Parkland Drive, Box 1147, Darien, CT 06820.

MC 148560 (Sub-1–1TA), filed October 27, 1980. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *Non-exempt foods or kindred products* between Atlanta, GA on the one hand, and, on the other, Decatur and Montgomery, AL, and their respective commercial zones, under continuing contract(s) with Family Center, Inc. Supporting shipper: Family Center, Inc., 2 Paragon Drive, Montvale, NJ 07645.

MC 2860 (Sub-1–19TA), filed October 27, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski, 71 West Park Avenue, Vineland, NJ 08360. *Clothing and materials, and equipment and supplies used in the manufacture, sale, and distribution thereof,* between points in Cumberland County, NJ, on the one hand, and, on the other, points in Shelby County, TN. Supporting shipper: Major Coat Co., Inc., Bridgeton Ave., Bridgeton, NJ 08302.

MC 106961 (Sub-1–2TA), filed October 29, 1980. Applicant: SPEAR TRUCKING CORP., 3 Brick Kiln Road, North Billerica, MA 01862. Representative: Irving Klein, 371 Seventh Avenue, New York, NY 10001. *Wearing apparel, wearing apparel accessories and materials, equipment and supplies used in the manufacture thereof,* between Jersey City, NJ on the one hand, and, on the other, Waterville, ME. Supporting shipper: Warnaco, Inc., 350 Lafayette Street, Bridgeport, CT.

MC 143250 (Sub-1–1TA), filed October 29, 1980. Applicant: WILDCAT CONSTRUCTION CO., INC., Box 145, St. Albans Bay, VT 05481. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. *Contract carrier:* irregular routes: *(1) Cheese and cheese products, (2) Alcoholic beverages, carbonated beverages, malt beverages, and other products used in processing, distribution and marketing thereof,* (1) from St. Lawrence County, NY to CT, MA, NY, NJ, DE, VA, RI, MD, ME, NH, PA, and DC, (2) between Newark, NJ and Clinton County, NY. Supporting shipper(s): Lucille Farm Products, Sonergin Drive, Swanton, VT 05488; Plattsburgh Distribution Co., Inc., 215 Sharron Ave., Plattsburgh, NY 12901.

MC 148387 (Sub-1–4TA), filed October 28, 1980. Applicant: S.M.P. INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Silicon carbide bricks; (2) Abrasive grain; and (3) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) and (2) above (except commodities in bulk in tank vehicles),* between Springdale, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MI, NJ, NY, NC, OH, VA and DC. Supporting shipper: American Metallurgical Products Co., P.O. Box 171, Springdale, PA 15144.

MC 152400 (Sub-1–1TA), filed October 28, 1980. Applicant: ANDERSON TRUCK RENTAL CORP., d.b.a. ABH, RFD 1, Route 107, Kensington, NH 03827. Representative: Kenneth E. Anderson, Jr., R.F.D. 1, Route 107, Kensington, NH 03827. *Contract carrier:* irregular routes: *Plastic Material, in bulk, in tank vehicles* from the facilities of Borden Chemical, Thermoplastics Division, Leominster, MA, to points east of the Mississippi River in the US. Supporting shipper: Borden Chemical, Div. of Borden, Inc., 511 Lancaster St., Leominster, MA 01453.

MC 134806 (Sub-1–9TA), filed October 28, 1980. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. *Contract carrier:* irregular routes: *Woodenware,* from Brattleboro, VT to Denver, CO, Salt Lake City, UT, Reno, NV and to all points in CA. Supporting shipper: Cersosimo Lumber Co., Inc., R.D. No. 3, Vernon Drive, Brattleboro, VT 05301.

MC 144029 (Sub-1–3TA), filed October 30, 1980. Applicant: CUMBERLAND

TRANSPORTATION CORP., 5950 Fisher Road, P.O. Box 487, East Syracuse, NY 13057. Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier:* irreguar routes: *Containers, closures, paper, paper products and materials, supplies and equipment used in the manufacture, sale and distribution of containers, closures, paper and paper products,* between the facilities of International Paper Company in Ontario County, NY on the one hand, and, on the other, points in the U.S. Supporting shipper: International Paper Co., International Paper Plaza, 77 West 45th St., New York, NY 10036.

MC 152420 (Sub-1–1TA), filed October 30, 1980. Applicant: LAND TRANSPORT CORPORATION, 24 Sabrina Road, Wellesley, MA 02181. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Such commodities as are sold in drug, chain, discount and department stores, and materials, supplies, and equipment related thereto (except commodities in bulk, in tank vehicles)* between points in ME, NH, VT, MA, RI, and CT, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX. Supporting shippers: There are six statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 139225 (Sub-1–1TA), filed October 30, 1980. Applicant: INTERSTATE COURIER SYSTEMS, INC., 18 Park Place, Paramus, NJ 07652. Representative: Julius DeVito, 240 Madison Ave., New York, NY 10016. *General commodities, restricted to shipments weighing each 100 pounds or less* between points in CT, DE, ME, MA, NH, NJ, NY, OH, PA, RI, VT and WV. Supporting shipper: TRW, Inc., 60 Craig Road, Montvale, NJ 07645.

MC 145548 (Sub-1–1TA), filed October 30, 1980. Applicant: COMMUNITY TRANSIT LINES, INC., 315 Howe Ave., Passaic, NJ 07055. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Common carrier:* regular route: *Passengers and their baggage,* between junction Garden State Parkway and Interstate Hwy. 280 at East Orange, NJ, and New York, NY, serving no intermediate points: From junction Garden State Parkway and Interstate Hwy. 280 over Interstate Hwy. 280 to junction Interstate Hwy. 95, then over Interstate Hwy. 95 to junction Interstate Hwy. 495 in Secaucus, NJ, then over Interstate Hwy. 495 and the Lincoln Tunnel to New York, and return over the same route. Supporting shipper: Chamber of Commerce of the United States, 376 St. Cloud Avenue, West Orange, NJ 07052.

MC 138884 (Sub-1–1TA), filed October 29, 1980. Applicant: CONDOR CORPORATION, P.O. Box 630, Dixfield, ME 04224. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Lumber or wood products (including wood by-products), except furniture* between points in ME and NH, on the one hand, and, on the other hand, points in the U.S. (except AK and HI) pursuant to a bilaterial contract with Wilner Wood Products Co. Supporting shipper: Wilner Wood Products Co., Alpine Road, Norway, ME.

MC 22425 (Sub-1–3TA), filed October 27, 1980. Applicant: MALFIN EXPRESS, INC., 155 Lenox Street, Norwood, MA 02062. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *(1) Brass, copper, aluminum, and steel, and (2) products manufactured from the commodities named in (1) above (except commodities in bulk, in dump vehicles and those requiring special equipment),* between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, VA, VT and WV. Supporting shipper: Guggenheim International, Inc., Jersey City, NJ.

MC 105843 (Sub-1–1TA), filed October 30, 1980. Applicant: VAN AUKEN EXPRESS, INC., P.O. Box 176, Greenville, NY 12083. Representative: Donald G. Hichman, R.D. No. 1, Box 7, Union Springs, NY 13160. *Toilet preparations and soap* from the facilities of Stiefel Laboratories, Inc., Oak Hill, NY to Clinton, CT. Supporting shipper: Stiefel Laboratories, Inc., Oak Hill, NY 12460.

MC 133841 (Sub-1–9TA), filed October 29, 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. *(1) Filtering machinery, flotation machinery, and power pumps; and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above (except commodities in bulk in tank vehicles),* between Peapack, NJ, on the one hand, and, on the other, points in GA. Supporting shipper: Komline-Sanderson Engineering Corp., Holland Ave., Peapack, NJ 07977.

MC 52574 (Sub-1–4TA), filed October 30, 1980. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *Bedding, new furniture and materials, supplies and equipment used in the manufacture, sale and distribution of new furniture,* between Columbia, PA on the one hand, and, on the other, points in NY, NJ, MA and OH. Supporting shipper: Harris Hub Company, Inc., 15600 South Commercial Avenue, Harvey, IL 60426.

MC 151408 (Sub-1–12TA), filed October 30, 1980. Applicant: CARGO TRANSPORT, INC., 100 Garfield Ave., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Contract carrier:* irregular routes: *Floats, plastic and materials, supplies and equipment used in the sale, distribution and handling thereof (except materials in bulk and classes A & B explosives),* between Canton, MA on the one hand, and, on the other, all points in the US (excluding AK and HI). Supporting shipper: W. R. Grace & Co., Dewey & Almy Chemical Div., 55 Hayden Ave., Lexington, MA 02173.

MC 147074 (Sub-1–12TA), (republication), filed October 2, 1980. Applicant: E Z FREIGHT LINES, 70 Gould Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Part, NJ 08904. *Synthetic fiber* from Dillon and Spartanburg, SC to points in NC, NJ, NY, PA, RI, and VA and Greensboro, NC to NJ, NY, PA, RI, SC and VA. Supporting shipper: Titan Textile Company, Inc., and Atlas Yarn Company, Inc., 53 34th Street, Paterson, NJ 07514. Correction of Publication of October 22, 1980, on Page 70136.

MC 133526 (Sub-1–1TA), filed October 24, 1980. Applicant: DICKSON'S TRANSPORT AND COACH LINES (NAPANEE) LIMITED, 293 Dundas Street, West, Napanee, Ontario CD K7R 2B4. Representative: Herbert M. Canter, Esq., Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Extruded plastic door panels* from ports of entry on the International Boundary Line between the US and CD in NY, MI, and MN to Hartford City (Blackford County), IN, Grand Island (Hall County) NE, Cortland (Cortland County), NY and Lewistown (Mifflin County), PA. Supporting shipper: Kelwood Industries, Inc., 7291 Victoria Park Avenue, Unit 1, Markham, Ontario, Canada L3R 3A4.

MC 144275 (Sub-1–1TA), filed October 29, 1980. Applicant: J. K. EXPRESS, INC., P.O. Box 2508, Trenton, NJ 08690. Representative: Mel P. Booker, Jr., Hernly & Booker, P.C., 110 S. Columbus St., Alexandria, VA 22314. *Contract carrier:* irregular routes: *Food stuffs (except in bulk)* between Trenton, NJ, on the one hand, and, on the other, points

in CT, DE, MA, ME, MD, NH, NY, NJ, PA, VA, VT and DC. Restricted to traffic originating at or destined to the facilities utilized by General Nutrition Centers, Inc., under a continuing contract(s) with General Nutrition Centers, Inc. of Pittsburgh, PA. Supporting shipper: General Nutrition Centers, Inc., 921 Penn Avenue, Pittsburgh, PA 15222.

MC 152264 (Sub-1–1TA), filed October 27, 1980. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, NY 13902. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *General commodities (except household goods as defined by the Commission and classes A and B explosives)* between points in MA, CT, RI, NY and PA. Supporting shipper: There are 32 statements in support of this application which may be examined at the I.C.C. Regional Office, in Boston, MA.

MC 152405 (Sub-1–1TA), filed October 29, 1980. Applicant: ESPY CARTAGE COMPANY OF NEW JERSEY, INC., 2115 69th Street, North Bergen, NJ 07047. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *General commodities (except classes A & B explosives, cement, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* which are at the time moving on bills of lading of Acme Fast Freight, Inc. under the provisions of the Interstate Commerce Act, between points in New York, NY and its commercial zone and points in NJ. Supporting shipper: Acme Fast Freight, Inc., 201 Eleventh Avenue, New York, NY 10001.

MC 146182 (Sub-1–3TA), filed October 29, 1980. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07823. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Contract carrier:* irregular routes: *Petroleum and petroleum products in bulk,* (1) from Newark, NJ to points in Carbon, Schuylkill, Lackawanna, Lehigh, Luzerne, Lycoming, Northampton and Monroe Counties, PA, and Orange & Rockland counties, NY; (2) from Delaware City, DE to Carbon, Schuylkill, Lackawanna, Lehigh, Luzerne, Lycoming, Northampton, Monroe, Bucks, Montgomery, Delaware, Chester, Lancaster and Berks Counties, PA and points in NJ and Orange and Rockland counties, NY; (3) from Philadelphia, PA to points in NJ, under a continuing contract(s) with Getty Refining and Marketing, Inc., of Tulsa, OK. Supporting Shipper(s): Getty Refining & Marketing Corp., 86 Doremus Ave., Newark, NJ 07015.

MC 152318 (Sub-1–1TA), filed October 24, 1980. Applicant: ATLANTIC TRUCK LINES, INC., 168 Town Line Road, Kings Park, NY 11754. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Such commodities as are dealt in, or used by food business houses, drug, and variety stores (except in bulk),* between points in Nassau and Suffolk counties, NY, Savannah, GA, Dallas, TX and Chatsworth, CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: L. S. Amster Company, Inc. and Interstate Cigar Co., Inc., 275 Grand Boulevard, Westury, NY 11590.

MC 152298 (Sub-1–1TA), filed October 23, 1980. Applicant: HENRY H. BROWNING, LIQUID TRANSPORTER, INC., RD #1, Box 297–B, Route 16, Orlean, NY 14760. Representative: Michael A. Wargula, Esq., 2550 Main Place Tower, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Liquid petroleum and liquid petroleum products in bulk, in tank vehicles* between points in PA and NY, under continuing contract(s) with Lowe's Empire Gasoline Service, Inc., Olean, NY; Sandburg Oil Company, Inc., Olean, NY; Rinker Oil Company, Inc., Cuba, NY; and Short Oil Company, Inc., Wellsville, NY. Supporting shipper(s): Rinker Oil Co., Inc., 29 Water St., P.O. Box 74, Cuba, NY 14727; Lowe's Empire Gasoline Service, Route 16, Hinsdale Highway, Olean, NY 14760; Sandburg Oil Co., Inc., 1641 E. State Road, Olean, NY 14760; Short Oil Co., Inc., Wellsville, NY 14895.

MC 143445 (Sub-1–4TA), filed October 24, 1980. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania St., Kearny, NJ 07032. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Chain saws, generators and parts and accessories thereof* from Lake Havasu City, AR to points in MO, IL, OH, PA, NJ, NY, MD, CT and MA. Supporting shipper: The McCulloch Company, 900 Lake Havasu Ave., Lake Havasu City, AR 86404.

MC 115352 (Sub-1–2TA), filed October 24, 1980. Applicant: R. H. REDIKER TRANSPORT, LTD., P.O. Box 30, Beebe, Quebec, CD JOB 1EO. Representative: John P. Monte, P.O. Box 568, Barre, VT 05641. *Stone working abrasives* from Buffalo and Niagara Falls, NY, on the one hand, and, on the other, points of entry located on the International Boundary Line between the US and CD at or near Buffalo and Niagara Falls, NY. Supporting shipper: Border Machine Tool and Supply Company, Inc., Beebe, Quebec, CD JOB 1EO; Dominion Granite Co., Ltd., Beebe, Quebec, CD JOB 1EO.

MC 152264 (Sub-1–1TA), filed October 27, 1980. Applicant: WHITE AND BLUE TAXI OF SCHENECTADY, INC., 1743 State Street, Schenectady, NY 12304. Representative: Nick Solomakos, 1330 State Street, Schenectady, NY 12304. *Contract carrier:* irregular route: *Consolidated Rail Corporation (Conrail) employees and their equipment* to and from various Conrail locations in Eastern NY and Western MA. Supporting Shipper: Consolidated Rail Corporation, Room 301, 1528 Walnut Street, Philadelphia, PA 19102.

MC 143445 (Sub-1–3TA), filed October 24, 1980. Applicant: MMAR TRNASPORTATION, INC., 128 Pennsylvania Street, Kearny, NJ 07032. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *General commodities (except classes A 7 B explosives, household goods as defined by the Commission, articles of unuusual value, commodities in bulk, and those requiring special equipment),* between the facilities of Streamline Shippers Association at or near Los Angeles, CA, on the one hand, and, on the other, points in NJ, PA, MD VA, OH, IL, WI, MD, IN, MA and CT. Supporting Shipper: Streamline Shippers Association, Inc., P.O. Box 3606, Terminal Annex, Los Angeles, CA 90051.

MC 42261 (Sub-1–2TA), filed October 24, 1980. Applicant: LANGER TRANSPORT CORP., P.O. Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. *Aluminum wire* from Portsmouth, RI, to points in NJ. Supporting Shipper: Kaiser Aluminum & Chemical Corporation, 200 Route 22, Hillside, NJ 07204.

MC 152290 (Sub-1–1TA), filed October 24, 1980. Applicant: PROVINCIAL TANKERS LIMITED, 8820 Keele Street North, Vaughan, Ontario, CD. Representative: William J. Hirsch, Esq., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Glucose and fructose,* from the commerical zone of Detroit, MI, to ports of entry on the International Boundary line between the US and CD located in MI. Supporting Shipper: Zymaize Company, 1100 Greenvalley Road, London, Ontario, CD.

MC 152377 (Sub-1–1TA), filed, October 27, 1980. Applicant: PAUL JOSEPH, d.b.a. JOSEPH'S EXPRESS, 543 Maplewood Ave., Roselle Park, NJ 07204. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Plastic articles; and (2) Materials, equipment, and supplies used in the*

manufacture, sale, and distribution of the commodities named in (1) above, between points in PA, NJ, DE, MD, NY, CT, RI, MA, VA, and DC. Supporting shipper: Amoco Container Company, 2111 Powers Ferry Rd., Suite 300, Atlanta, GA 30099.

MC 150542 (Sub-1–2TA), filed October 27, 1980. Applicant: RIDGEFIELD PARK TRANSPORT CO., INC., 106 Teaneck Road, Ridgefield Park, NJ 07660. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *General commodities except Classes A and B explosives, and household goods as defined by the Commission,* between all points in the US, under continuing contract(s) with Pepsi-Cola Company and its subsidiaries: Diversified Containers, Inc. and Pepsi-Cola Metropolitan Bottling Co., Inc. Supporting shippers: Diversified Containers, Inc. and Pepsi-Cola Metropolitan Bottling Co., Inc., Anderson Hill Road, Purchase, NY 10577.

MC 152126 (Sub-1–1TA), filed October 27, 1980. Applicant: TIMBERMAN'S EXPRESS, INC., 131 South Main Street, Elmer, NJ 08318. Representative: Harry R. Adler, Esq., 80 West Broad Street, P.O. Box 474, Bridgeton, NJ 08302. *General commodities, except bulk and liquid in tank trucks,* between Philadelphia, PA commercial zone on the one hand, and points and places in the State of DE, and the Counties of Ocean, Camden, Gloucester, Atlantic, Salem, Cumberland and Cape May in the State of NJ. Supporting shipper: West Wholesale Drug Co., 231 East Luzerne Street, Philadelphia, PA 19124.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 2. SEND PROTESTS TO: ICC, FEDERAL RESERVE BANK BLDG., 101 N. 7TH ST. ROOM 620, PHILADELPHIA, PA.

MC 150432 (Sub-II–8TA), filed October 23, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 & 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L Street NW., Suite 1111, Washington, D.C. 20036. Contract—irregular: *Frozen foods,* between Columbus, OH, and Fort Wayne, IN, on the one hand, and, on the other, points in OH, IN, PA, VA, WV, KY, TN, IL, WI, MI, and NY, under a continuing contract with Interstate Cold Storage, Inc., for 270 days. Supporting shipper: Interstate Cold Storage, 4350 Robert Road, Columbus, OH 43228.

MC 107006 (Sub-II–2TA), filed October 27, 1980. Applicant: THOMAS KAPPEL, INC., P.O. Box 1408, Springfield, OH 45501. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, except commodities in bulk,* between Urbana, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: The Drackett Products Co., 5020 Spring Grove Ave., Cincinnati, OH 45232.

MC 150939 (Sub-II–9TA), filed October 27, 1980. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract, irregular—*Such commodities as are dealt in by mail order houses and retail chain department stores and equipment, materials and supplies used in the conduct of such businesses (except commodities in bulk)* between points in the U.S., under a continuing contract or contracts with Heck's, Inc. of Nitro, WV., for 270 days. Supporting shipper: Heck's, Inc., P.O. Box 158, Nitro, WV 25143.

MC 113666 (Sub-II–13TA), filed October 27, 1980. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). *Carbonaceous materials, foundry, supplies, and materials and supplies used in the manufacture of iron and steel, iron and steel articles and refractory products,* between points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Hickman Williams Company, 600 Grant Street, Suite 2972, Pittsburgh, PA 15219.

MC 115703 (Sub-II–9TA), filed October 29, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 6331, Wyomissing, PA 19610. Representative: Bernard L. Quaglia (same as applicant). *Cement plant equipment and articles used in the manufacture thereof,* between Lehigh County, PA and Essex County, NJ on the one hand, and, on the other, Millard County, UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Fuller Company, a GATX Company, S. 10th & Mill Sts., Allentown, PA 18103.

MC 30089 (Sub-II–1TA), filed October 29, 1980. Applicant: FRANK W. LILLY, INC., P.O. Box 111, Turtle Creek, PA 15145. Representative: James F. Lilly (same address as applicant). Contract; irregular—*Canned and preserved foodstuffs and wood pallets* between points in MI, IN, OH, KY, PA, WV, MD, VA, NY, CT, MA, RI, VT, NH and ME, under contract with Heinz USA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Heinz USA, Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 152411 (Sub-II–1TA), filed October 29, 1980. Applicant: EMANON TRANSPORTATION SERVICE, INC., 141 Lincoln St., Exeter, PA 18643. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *General commodities (except household goods as defined by the Commission and classes A and B explosives),* between Exeter, PA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Jewelcor Jewelers & Distributors, Erie & Susquehanna Ave., Exeter, PA 18643.

MC 61470 (Sub-II–2TA), filed October 27, 1980. Applicant: BRYAN TRUCK LINE, INC., 610 E. Wilson St., Bryan, OH 43506. Representative: James Duvall, P.O.B. 97, 220 W. Bridge St., Dublin, OH 43017. *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 pts. in Fulton, Henry and Williams Counties, OH, on the one hand, and, on the other, pts. in the U.S. Restricted against movements originating at or destined to the facilities of Campbell Soup Co. in Henry County, OH and the facilities of Pet Milk Co. in Williams County, OH. An underlying ETA seeks 120 days authority. Applicant intends to interline at Toledo, OH. Supporting shippers: There are 20 supporting shippers. Their statements may be examined at the office listed below.

MC 152383 (Sub-II–1TA), filed October 28, 1980. Applicant: C. C. M. ENTERPRISES, INC., Suite 40, 27 Produce Drive, Cincinnati, OH 45201. Representative: John R. Mateyko (same as applicant). *Iron and steel articles and such commodites as are dealt in or used by manufacturers of iron and steel articles,* between Hamilton County, OH on the one hand, on the others, points in ND, MN, PA, WI, MI, IL, IN., for 270 days. Supporting shipper: Steelcorp, Inc., 6667 Mullen Road, Cincinnati, OH 45239.

MC 31237 (Sub-II–2TA), filed October 29, 1980. Applicant: DIGNAN TRUCKING, INC., P.O. BOX 7643, Baltimore, MD 21227. Representative: Frank B. Hand, Jr., 521 S. Cameron st., Winchester, VA 22601. *Materials, Supplies and Equipment used or useful in the construction and/or maintenance of communications systems, and scrap metal,* between pts. in MD, and between pts. in MC, on the one hand, and, on the other, pts. in Arlington County, VA and

the Washington, DC Commercial Zone, with authority to interline with other motor carriers at Baltimore, MD and Washington, DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Electric, P.O. Box 25000, Greensboro, NC 27420.

MC 69281 (Sub-II–3TA) filed October 30, 1980. Applicant: THE DAVIDSON TRANSFER & STORAGE CO., 698 Fairmount Ave., Baltimore, MD 21204. Representative: David W. Ayers, P.O. Box 58, Baltimore, MD 21203. Common, regular: *general commodities (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment)*, 1) between Washington, DC and Roanoke, VA: from Washington over Interstate Hwy 66 to junction US Hwy 211, then over US Hwy 211 to junction Interstate Hwy 81, then over US Interstate Hwy 81 to Roanoke and return over the same routes serving all intermediate points; 2) between Richmond, VA and Columbia, SC: from Richmond over Interstate Hwy 95 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction US Hwy 21, then over US Hwy 21 to Columbia and return over the same routes serving all intermediate points; 3) between Roanoke, VA and Charlotte, NC: from Roanoke over US Hwy 220 to junction US Hwy 29, then over US Hwy 29 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Charlotte, and return over the same routes serving all intermediate points; 4) between Richmond, VA and Bristol, VA: from Richmond over Interstate Hwy 64 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol and return over the same routes serving all intermediate points; 5) between Richmond, VA and Miami, FL: from Richmond over Interstate Hwy 95 to Miami and return over the same route serving all intermediate points; 6) between Norfold, VA and Bluefield, VA: from Norfolk over US Hwy 58 to junction US Hwy 460, then over US Hwy 460 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Bluefield and return over the same routes serving all intermediate points; 7) between Norfolk, VA and Jacksonville, FL: from Norfolk over US Hwy 13 to junction US Hwy 17, then over US Hwy 17 to junction Interstate Hwy 95 to Jacksonville, FL and return over the same routes serving all intermediate points; 8) between Asheville, NC and New Bern, NC: from Asheville over Interstate Hwy 40 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction US Hwy 70, then over US Hwy 70 to New Bern and return over the same routes serving all intermediate points; 9) between Asheville, NC and Charleston, SC: from Asheville over Interstate Hwy 26 to Charleston and return over the same route, serving all intermediate points; 10) betwen Charlotte, NC and Atlanta, GA: from Charlotte over Interstate Hwy 85 and return over the same route serving all intermediate points; 11) between Columbia, SC and Atlanta, GA: from Columbia over Interstate Hwy 20 to Atlanta and return over the same route serving all intermediate points; 12) between Columbia, SC and Miami, FL: from Columbia over Interstate Hwy 26 to junction Interstate Hwy 95,then over Interstate Hwy 95 to Miami and return ovr the same routes serving all intermediate points; 13) between Atlanta, GA and Miami, FL: from Atlanta over Interstate Hwy 75 to junction State Road FL 60, then over State Road FL 60 to Interstate Hwy 95, then over Interstate Hwy 95 to Miami and return over the same routes serving all intermediate points; 14) between Dalton, GA and Savannah, GA: from Dalton over Interstate Hwy 75 to junction Interstate Hwy 16, then over Interstate Hwy 16 to Savannah and return over the same routes serving all intermediate points; 15) between Pensacola, FL and Miami, FL: from Pensacola over Interstate Hwy 10 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Miami and return over the same routes serving all intermediate points; 16) between Pensacola, FL and Tampa, FL: from Pensacola over Interstate Hwy 10 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Tampa and return over the same routes serving all intermediate points; 17) between Atlanta, GA and Pensacola, FL: from Atlanta over Interstate Hwy 85 to junction US Hwy 27, then over US Hwy 27 to junction Interstate Hwy 10 to Pensacola and return over the same routes serving all intermediate points; 18) between Jacksonville, FL and Tampa, FL: from Jacksonville over US Hwy 301 junction State Road 24, then over State Road 24 to juhction Interstate Hwy 75, then over Interstate Hwy 75 to Tampa and return over the same routes serving all intermediate points; 19) between Tampa, FL and Miami, FL: from Tampa over State Road 60 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Miami and return over the same routes serving all intermediate points; 20) between New York, NY and Putnam, CT: from New York over Interstate Hwy 95 to junction Interstate Hwy 91, then over Interstate Hwy 91 to junction Interstate Hwy 86, then over Interstate Hwy 86 to junction State Road 44, then over State Road 44 to junction State Road 52, then over State Road 52 to Putnam, CT and return over the same routes serving all intermediate points; 21) between New York, NY and Thompsonville, CT: from New York Over Interstate Hwy 684 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 91 to Thompsonville, CT and return over the same routes serving all intermediate points; 22) between Danbury, CT and Norwich, CT: from Danbury over Interstate Hwy 84 to junction State Road 66, then over State Road 66 to junction State Road 2, then State Road 2 to Norwich and return over the same routes serving all intermediate points. Serving all points within the counties of Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland and Windham in the state of Connecticut as off route points. Serving all points within the counties of Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Carroll, Catoosa, Charlton, Chathan, Chattahoochee, Cattooga, Cherokee, Clarke, Clay, Clayton, Clinch, Cobb, Coffee, Colquitt, Columbia, Cook, Coweta, Crawford, Crisp, Dade, Dawson, Decatur, De Kalb, Dodge, Dooly, Dougherty, Douglas, Early, Echols, Effingham, Elbert, Emanuel, Evans, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Lumpkin, McDuffie, McIntosh, Macon, Madison, and Marion in the state of Georgia as off route points. Serving all points within the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawaba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecomb, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Martin,

Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey in the state of North Carolina as off route points. Serving all points within the counties of Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillion, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenvile, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Oconee, Orangeburg, Pickins, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York in the state of South Carolina as off route points. Serving all points within the Counties of Accomack, Albermarle, Alleghany, Amelia, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Grayson, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nansemond, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Washington, Westmoreland, Wise, Wythe and York in the state of Virginia as off route points, for 270 days. Applicant intends to tack and interline. Supporting shippers: There are sixty-six (66) supporting shippers. Their statements may be examined at the I.C.C. Reg. Ofc., Phila, PA.

MC 146807 (Sub-II–11–TA), filed October 30, 1980. Applicant: S-n-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *Iron and steel wire rope or strand,* between points in PA, IN, TN, IL, KY, OH, MO, VA, WV, MD, NC, SC, AL, TX, FL, LA, OK and IA for 270 days. An underling ETA seeks 120 days authority. Supporting shipper(s): Bridon American Corporation, P.O. Box 6000, Wilkes Barre, PA 18773.

MC 77424 (Sub-II–1–TA), filed October 24, 1980. Applicant: WENHAM TRANSPORTATION, INC., 3200 E. Seventy-ninth St., Cleveland, OH 44104. Representative: James Johnson (same address as applicant). *Automobile parts,* from Centralia, IL to points in MI and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Rockwell International, 2135 West Maple Rd., Oakland, MI.

MC 116763 (Sub-II–46–TA), filed October 27, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *General Commodities* (except commodities in bulk, in tank vehicles, used household furniture, commodities the transportation of which because of size or weight require the use of special equipment, automobiles, trucks and buses as described in the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, and explosives), between points in the United States (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Restricted to the transportation of traffic originating at or destined to the facilities of Trio Products or its customers or suppliers. Supporting shipper(s): Trio Products, Inc., 350 Davenport Drive, Thomasville, GA 31792.

MC 116763 (Sub-II–45–TA), filed October 27, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Non exempt food and kindred products* (except commodities in bulk, in tank vehicles), between Ulster County, NY on the one hand, and, on the other, points in SC and FL, for 270 days. An underlying ETA seeks 120 days authority. Restricted to traffic originating at and/or destined to the facilities of Heinz USA. Supporting shipper(s): Heinz USA, division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 152384 (Sub-II–1–TA), filed October 28, 1980. Applicant: DONNIE A. WANGER, T/A DONNIE A. WANGER GEN HAULING, Route 1, Box 48, Hinton VA 22831. Representative: Frankie C. Coyner, P.O. Box 33, Broadmoor Plaza, Stuarts Draft, VA 24477. *Crushed limestone aggregates and masonry sand* from the facilities of Frazier Quarry, Rockingham County, VA, to points in Grant, Mineral, Pendleton, Pocahontas and Randolph Counties, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Frazier Quarry, Inc., 75 Waterman Drive, Harrisonburg, VA 22801.

MC 113158 (Sub-II–7TA), filed October 29, 1980. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. *Containers, and other shipping devices* from the facilities of Connelly Containers, Inc., at or near Philadelphia, PA to Martinsburg, WV, and points in its Commercial Zone and Wytheville, VA, and points in its Commercial Zone for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Connelly Containers, Inc., P.O. Box 426, Bala Cynwyd, PA 19004.

MC 145k61 (Sub-II–1TA), filed October 24, 1980. Applicant: VANTRANS, INC., 11375 Greenwich Rd., Homerville, OH 44235. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract:* irregular: (1) *electrical controllers, switches, magnets and rheostat resistors,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of (1) above, between Richland Center and Milwaukee, WI and Cleveland, OH, on the one hand, and, on the other, points in the U.S. under contract(s) with Allen Bradley Company of Milwaukee, WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Allen Bradley Company, 1201 South Second St., Milwaukee, WI 53204.

MC 106920 (Sub-II–9TA), filed October 22, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, OH 45869. Representative: David C. Venable, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Foodstuffs* (except commodities in bulk, in tank vehicles), from the plantsite of Adams Packing Association, Inc., at or near Memphis, TN, to points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 106920 (Sub-II–8TA), filed October 22, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, OH 45869. Representative: Lester R. Gutman, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Foodstuffs and materials, equipment and supplies* used

in the manufacture, distribution and sale thereof (except in bulk), (1) from the facilities of Sugar Creek Foods Company, at or near Louisville, KY and Chattanooga, TN, to points in FL and (2) from points in MN and WI to the facilities of Sugar Creek Company, at or near Russellville, AR, for 270 days. Supporting shipper: Sugar Creek Foods Company, Division of Beatrice Foods Company, P.O. Box 747, Russellville, AR 72801.

MC 106920 (Sub-II–10TA), filed October 23, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, OH 45869. Representative: Lester R. Gutman, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Dairy products and egg nog* from Adell, LaCrosse and Milwaukee, WI to points in the U.S., in and east of MI, IN, IL, MO, AR, and TX, for 270 days. Supporting shipper: Galloway West Company, Division of Borden, Inc., 325 Tompkins Street, Fond du Lac, WI 54934.

MC 145567 (Sub-II–1–TA), filed October 23, 1980. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati OH 45246. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *Contract carrier, irregular route: Used petroleum products, spent chemicals, chlorinated solvents, non-chlorinated solvents, coolants and inks,* in bulk, in tank vehicles, between Cincinnati, OH, and Shandon, OH, and their respective commercial zones, on the one hand, and, on the other, points in KY, PA, IL, IN, WV, NC, MI, and TN, under continuing contract(s) with Liquid Waste Management, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Liquid Waste Management, Inc., 4472 Bridgetown Rd., P.O. Box 11070, Cincinnati OH 45211.

MC 61825 (Sub-II–10–TA), filed October 24, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same as applicant). *New furniture, furniture parts,* and *equipment, materials and supplies used in the manufacture and distribution thereof,* between points in the United States (except AK, ID, HI, MT, OR, WA and WY), restricted to traffic originating at or destined to the facilities of S. K. Products Corp, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: S. K. Products Corporation, 5355 Bucknell Drive, SW., Atlanta, GA 30378.

MC 2202 (Sub-II–16TA), filed October 29, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. *Common, regular: General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Pueblo and Colorado Springs, CO, serving all intermediate points and points in their commercial zones. From Pueblo over U.S. Hwy. 50 to Canon City, then County Hwy 120 to Jct County Hwy 115, then County Hwy 115 to Colorado Springs, and return over the same route, for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Pueblo and Colorado Springs, CO. Applicant proposes to interline at existing gateways throughout its system. Supporting shippers: There are five supporting shippers. Their statements may be examined at the ICC Regional office, Philadelphia, PA.

MC 107012 (Sub-II–101TA), filed October 28, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Evaporative coolers, and parts and accessories for the manufacture, maintenance, and distribution of evaporative coolers* from Tempe, AZ to points in CA, CO, NM, NV, OK, TX, and UT for 270 days. Supporting shipper: Combined Technologies, Ltd., 3207 South Hardy Dr., Tempe, AZ 85282.

Note.—Common control may be involved.

MC 123685 (Sub-II–1TA), filed October 27, 1980. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd., S.W., Massillon, OH 44646. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Lime,* between points in Cuyahoga County, OH, and North Adams, MA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Foseco, Inc., 20200 Sheldon Rd., Brookpark, OH 44142.

MC 119632 (Sub-II–17TA), filed October 8, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). (1) Such commodities as are dealt in or distributed by grocery, hardware and drug stores, (2) cleaning and building maintenance materials and supplies, (3) swimming pool, spa and hot tub products, (4) chemicals, and (5) materials, equipment and supplies used in the manufacture, sale and distribution of commodities named in (1) through (4) above, (except commodities in bulk), between points in the states of AL, FL, GA, IL, IN, LA, MS, MO, NC, OH, SC, TN, VA and WV, for 270 days. Restricted to traffic originating at or destined to facilities used by Purex Corporation. Supporting shipper: Purex Corporation, P.O. Box 975, Toledo, OH 43696.

MC 116763 (Sub-II–41TA), filed October 14, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Nonexempt food or kindred products,* between points in Mecklenburg County, NC, on the one hand, and, on the other, points in AL, GA, MS, TN, SC, NC, FL and LA. Restricted to traffic originating at or destined to the facilities utilized by Heinz, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 79687 (Sub-II–2TA), filed October 14, 1980. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Macaroni, related products and equipment, materials and supplies* used in the manufacture and distribution of the above commodities, between the facilities of Guido Division of Viviano Macaroni Company at Schenectady, NY on the one hand, and, on the other, points in MA, OH and PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Guido Division of Viviano Macaroni Co., Rotterdam Industrial Park, Building No. 11, Schenectady, NY 12306.

MC 116763 (Sub-II–42TA), filed October 14, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *(1) Printed matter and (2) materials and supplies used in the manufacture or distribution of printed matter* (except commodities in bulk in tank vehicles), between Rockingham County, VA, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, VT, WV and DC, for 270 days. Restricted to traffic originating at or destined to the facilities of Banta Company. An underlying ETA seeks 120 days authority. Supporting shipper(s): George Banta Co., Curtis Reed Plaza, Menasha, WI 54952.

MC 116763 (Sub-II–40), filed October 14, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St.,

Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *(1) Printed matter, and (2) materials and supplies used in the manufacture or distribution of printed matter,* except commodities in bulk, between points in the United States in and east of MN, IA, MO, OK and TX. Restricted to the transportation of traffic originating at or destined to the facilities of R. R. Donnelley & Sons Company or its customers or suppliers, for 270 days. Supporting shipper(s): R. R. Donnelley & Sons, Co., 2223 South Martin Luther King Dr., Chicago, IL 60616.

MC (Sub-2-1), filed October 9, 1980. Applicant: TRIDENT CORPORATION, d.b.a. TRIDENT TOURS, 3531 Halfmoon Circle, Falls Church, VA 22044. Representative: Robert J. Brooks, Suite 1115, 1828 L St., N.W., Washington, DC 20036. *Passengers and their baggage in the same vehicle with passengers,* in special operations between points in MD, VA and DC in vehicles carrying no more than fourteen (14) passengers for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Virginian Apartment-Hotel, 1500 Arlington Blvd., Arlington, VA 22209; Quality Inns International (2), 10750 Columbia Pike, Silver Springs, MD 20901; Quality Inn Central, Rte. 50 at N. Courthouse Rd., Arlington, VA 22201; Holiday Inn, 1900 Connecticut Ave., NW., Washington, D.C. 20009.

MC 113158 (Sub-II-6TA), filed October 7, 1980. Applicant: TODD TRANSPORT COMPANY, INC., Box 158, Secretary, MD 21664. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Phila., PA 10107. *Foodstuffs* (except frozen foods and commodities in bulk), between the facilities of Joan of Arc Company, Sampson County, NC, on the one hand, and, on the other, Hoopeston, IL, Belledeau and St. Francisville, LA, and points in CT, DE, FL, GA, MA, MD, NJ, NY, OH, PA, and SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Joan of Arc Co., 2231 West Altorfer Dr., Peoria, IL 61614.

MC 125463 (Sub-II-1TA), filed October 14, 1980. Applicant: KENNETH W. STRAUB III, White St., Weissport, PA 18235. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Contract, Irregular, Waste Textile Scrap Materials,* in bales and *Textile Fabrics,* in bundles and rolls, between Allentown, PA and Atlanta, GA, Claremont, NH, Dallas, TX, Manchester, NH, Orangeburg, SC, and Tyler, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: S. Levine & Sons, Inc., Allentown, PA.

MC 125023 (Sub-II-5TA), filed October 8, 1980. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, PA 16504. Representative: Richard G. McCurdy (same address as applicant). *Malt beverages in containers and materials, equipment and supplies used in the manufacture, sale and distribution of malt beverages,* between (A) Baltimore, MD, Evansville, IN, and Newport, KY, on the one hand, and, on the other, between points in (A) and points in MA, MD, NJ, NY, and PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: G. Heileman Brewing Co., Inc., 100 Harborview Plaza, P.O. Box 100, LaCrosse, WI 54601.

MC 95136 (Sub-II-2TA), filed October 8, 1980. Applicant: ALLEN S. YEATMAN, INC., P.O. Box 383, Montrose, VA 22520. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. *Canned goods,* from points in Lancaster and Westmoreland Counties, VA to points in CT, DE, MD, NJ, NY, PA, WV, NC, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Virginia Seafords, Inc., Irvington, VA 22480.

MC 123065 (Sub-II-1TA), filed October 6, 1980. Applicant: STX, INC. (a Delaware corporation); d.b.a. SPOTSWOOD TRAIL EXPRESS, Redbone Rd., Chester Springs, PA 19425. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New Furniture,* from points in Alexander, Burke, Caldwell, Catawba, Cumberland, Davidson, Graham, Guilford, Iredell, Lee, Orange, Randolph, Rutherford, and Surry Counties, NC to points in CT, DE, MA, MD, MI, NJ, NY, OH, PA, RI, and DC, for 270 days. Supporting shipper: The sole purpose of this application is to substitute direct service in lieu of existing interchange service to conserve energy resources and eliminate wasted transportation. An underlying ETA seeks 120 days authority.

MC 79687 (Sub-II-1TA), filed October 14, 1980. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Macaroni and related products, and materials, equipment and supplies used in the manufacture and distribution of the above commodities,* between the facilities of Viviano Macaroni Company at Carnegie, PA, on the one hand, and, on the other, points in CT, IL, MD, MA, MN, NH, NJ, NY, OH, and VT, for 270 days. Supporting shipper: Viviano Macaroni Co., Nobelstown Rd., Carnegie, PA 15106.

MC 150567 (Sub-II-1TA), filed October 8, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. *Contract carrier, irregular: foodstuffs and materials, equipment, and supplies in the manufacture, sale, and distribution of foodstuffs* between Dallas, TX, Newport, TN and Indianapolis, IN and points in the United States under continuing contract with Stokely-Van Camp, Inc., Indianapolis, IN, for 270 days. Supporting shipper: Joseph J. Reardon, Stokely-Van Camp, Inc., 941 N. Meridian St., Indianapolis, IN 46206.

MC 146807 (Sub-II-10TA), filed October 6, 1980. Applicant: S & W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Materials and supplies used in the manufacture and distribution of confectionery and chewing gum,* from points in IL, OK, GA, IN, TX, TN, MO, KY, MS, AL, KS, OH, NC, SC, LA, FL, MN, WI, MI and NY to the facilities of Topps Chewing Gum, Inc., at Scranton and Duryea, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Topps Chewing Gum, Inc., York Ave., Duryea, PA 18642.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, Ca 30357.

MC 121568 (Sub-3-17TA), filed October 24, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Avenue, Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). *Common carrier, regular routes: General commodities (with the usual exceptions),* serving Grayson and Smith Counties, TX, as off-route points in connection with carrier's otherwise authorized routes: (1) From Little Rock, AR, to Tyler, TX (a) over Interstate Hwy. 30 to its jct. with U.S. Hwy. 259, thence on U.S Hwy. 259 to its jct. with State Hwy. 155, thence over State Hwy. 155 to its jct. with U.S. Hwy. 271, to Tyler, TX, and return, serving no intermediate points. (b) over Interstate 30 to its jct. with U.S. Hwy. 271, thence to Tyler, TX, and return, serving no intermediate points. (2) From Little Rock, AR to Sherman, TX (a) over Interstate 40 to its jct. with U.S. Hwy. 69, thence over U.S. Hwy. 69 to Sherman and return, serving no intermediate points. (b) over Interstate 40 to its jct. with Interstate 35, thence over Interstate 35 to its jct. with U.S. Hwy. 82, thence

over U.S Hwy. 82 to Sherman, TX, and return, serving no intermediate points. (3) From Fort Smith, AR, to Tyler, TX (a) over U.S. Hwy. 271 to Tyler, TX, and return, serving no intermediate points. (4) From Fort Smith, AR, to Sherman, TX (a) over Interstate Hwy. 40 to its jct. with U.S. Hwy. 69, thence over U.S. Hwy. 69 to Sherman, TX, and return, serving no intermediate points. (b) over Interstate 40 to its jct. with Interstate 35, thence over Interstate 35 to its jct. with U.S. Hwy. 82, thence over U.S. Hwy. 82 to Sherman, TX, and return, serving no intermediate points. *Note:* Applicant intends to tack the authority sought with its existing authority and to interline at Tyler, TX, Sherman, TX, and Memphis, TN. There are 34 statements in support of this application, which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 150700, (Sub-3–3TA) filed October 27, 1980. Applicant: OLIN WOOTEN TRANSPORT CO., INC., P.O. Box 731, Hazlehurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Containers, Container Parts, and Materials and Supplies used in the manufacture, distribution and sale of containers and container parts,* between points in AL, CT, FL, GA, MD, MS, NC, NJ, NY, PA, SC and TN. Supporting shipper: National Can corporation, Route 287 & South Randolphville Road, Piscataway, NJ 08854.

MC 116254. (Sub-3–21TA), filed October 24, 1980. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: M.D. Miller (same as above). *Aluminum dross,* between Sapulpa, OK and Pittsburg, KS, on the one hand, and, Salisbury, NC; Winston-Salem, NC; Hannibal, OH; Lancaster, PA; Moncks Corner, SC, on the other. Supporting shipper: Metal Exchange Corp., 111 West Port Plaza, Suite 704, St. Louis, MO 63141.

MC 35807 (Sub-3–2TA), filed October 24, 1980. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same as above). *Contract carrier,* irregular routes; *coin, currency, checks and food coupons,* between Richmond and Columbia Counties, GA, on the one hand, and, on the other, Edgefield and Aiken Counties, SC. Supporting shipper: Bi-Lo, Inc., P.O. Box 99, Mauldin, SC 29662.

MC 119777 (Sub-3–21TA), filed October 24, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. *(1) Rough iron castings and (2) materials, equipment and supplies (except in bulk) used in the manufacture or distribution of (1) above,* between the facilities of Jencast, Inc. at or near South Coffeyville, OK, on the one hand, and, on the other, points in TX, KS, AR, VA, PA, TN, MO and NE. Supporting shipper: Jencast Products, Inc., P.O. Box 298, South Coffeyville, OK 74072.

MC 114604 (Sub-3–14TA), filed October 24, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Jean E. Kesinger, P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. *Non-exempt food or kindred products,* from Atlanta, GA and its commercial zone (including Lithonia, GA) to points in LA, MS, TN (except Chattanooga, TN), and points in that part of FL in and south of Citrus, Sumter, Lake and Volusia Counties, FL. Supporting shipper: Pet, Incorporated, Frozen Foods Division, 400 South Fourth Street, St. Louis, MO 63102.

MC 151727 (Sub-3–1TA), filed October 21, 1980. Applicant: WORCY CRAWFORD, d.b.a. CRAWFORD & SONS, 4301 Crawford Avenue, Brownville, AL 35228. Representative: Worcy Crawford (same address as applicant). *Passengers and their baggage, in charter operations,* beginning and ending at points in Jefferson and Greene Counties, AL, and extending to points in the states of FL, GA, IL, IN, KY, LA, MI, MS, NY, NC, OH, SC, TN, TX, and DC. Supporting shippers: Southern Christian Leadership Conference, Birmingham Chapter, 1925–15th Terrace, North, Birmingham, AL 35234; Fourth Avenue YMCA, 1400–4th Avenue, North, Birmingham, AL 35203; Miles College, 5500 Avenue G, Fairfield, AL 35208; and Trinity Baptist Church, 900 Graymont Avenue, West, Birmingham, AL 35204.

MC 47171 (Sub-3–11TA), filed October 21, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment,* between points in GA (except Chatham, Clayton, Cobb, Coweta, DeKalb, Fayette, Fulton, Gwinnett, Henry, Richmond and Rockdale Counties) on the one hand, and, on the other, points in Culpepper, Suffolk, Windsor, Norfolk, Madison Heights, Petersburg, Lester Manor, Richmond, Fredericksburg, Warrenton, Franklin, Lynchburg, Farmville, Smithfield, Danville, South Boston, Victoria, and Roanoke, VA; Washington, DC; CT, Baltimore and Cumberland, MD; Wilmington and Cheswold, DE; MA, PA, NJ, NY, RI. There are thirteen statements of support which may be examined at the ICC Regional Office in Atlanta, GA.

MC 146937 (Sub-3–1TA), filed October 24, 1980. Applicant: ALL STAR AIR FREIGHT, INC., 7001 West 20th Ave., Hialeah, FL 33014. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *Contract carrier,* irregular routes: *Coin operated video games and nonvideo games and parts and accessories for same* and (2) *materials and supplies used in the manufacture of same* between Dade County, FL, on the one hand, and, on the other, points in the U.S. (excluding AK and HI) under continuing contract(s) with Centuri, Inc., Dade County, FL. Supporting shipper: Centuri, Inc., 245 W 74th Place, Hialeah, FL 33014.

MC 150211 (Sub-3–9TA), filed October 24, 1980. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Jerry Ross (address same as applicant). *Photo offset printing plates and sheets, gum and solvents, aluminum articles, and materials, equipment and supplies, used in the manufacture, sale and distribution of the above commodities* between Jackson, TN and points within its commercial zone, on the one hand, and, on the other, points in IA, IL, WI, OH, PA, NC, GA, TX, CO and CA. Supporting shipper: Citiplate, Inc., 360 Commerce Street, Jackson, TN 38301.

MC 105813 (Sub-3–5TA), filed October 23, 1980. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th Street, P.O. Box 270, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North Lasalle Street, Chicago, IL 60601. *Non-exempt food or kindred products,* between points in Mecklenburg County, NC, on the one hand, and on the other, between those points in the U.S. in and east of MT, WY, UT and AZ. Supporting shipper: Heinz USA, Division of H. J. Heinz Company; P.O. Box 57; Pittsburgh, PA 15230.

MC 136123 (Sub-3–11TA), filed October 23, 1980. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). (1) *Mist eliminators, asbestos cooling tower media, plastic baffles and plastic articles* and (2) *materials, supplies* and *equipment* used in the manufacture of (1) above, between the facilities of The Munters Corporation located at or near Ft. Myers, FL and points in the United States (except AK and HI). Supporting

shipper: The Munters Corporation. P.O. Box 6428, Ft. Myers, FL 33901.

MC 2900 (Sub-3–21TA), filed October 3, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32209. Representative: S. E. Somers, Jr. (same address as applicant). (a) *Adhesives, Furniture, Foodstuffs, and Glassware* between Denver, CO; Chicago, IL; Minneapolis, MN; Kansas City, MO; Omaha, NE; Oklahoma City, OK; Dallas, TX; Houston, TX; and Cheyenne, WY; on the one hand, and on the other, points in the States of AZ, CA, ID, NV, OR, UT, and WA; (B) *Cleaning Compounds, Feed or Feed Supplements, Foodstuffs, and Petroleum Products* between the States of AZ, CA, CO, ID, NV, OR UT, and WA. Supporting shippers: Pepperidge Farm, Inc., 595 Westport Ave., Norwalk, CT 06856; Metropolitan Distribution Centers, Inc., 1340 E. Sixth St., Los Angeles CA 90021; Wilson Foods Corp., 4545 Lincoln Blvd., Oklahoma City, OK 73105.

MC 146108 (Sub-3–3TA), filed October 22, 1980. Applicant: BIG T TRANSFER, INC., 1814 Gillett Ave., Louisville, KY 40216. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47201. *Contract Carrier:* irregular routes. (1) *Paint, Paint products, Wall coverings, and Adhesives, and (2) Materials, Supplies, and Equipment used in the manufacture and distribution of the commodities in (1) above.* Between points in the U.S., under a continuing contract with the Devoe & Raynolds Co., Division of Grow Group, Inc., Louisville, KY. Supporting Shipper: Devoe & Raynolds Co., Division of Grow Group, Inc., 4000 DuPont Circle, Louisville, KY 40207.

MC 112617 (Sub-3–11TA), filed October 21, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson, Traffic Manager (Same address as applicant). *Liquid calcium chloride,* in bulk, in tank vehicles, from the storage facilities of Dow Chemical Company at Lemont, IL, to points in Breathitt, Daviess, Floyd, Knott, Leslie, Letcher, Martin, Perry, and Pike Counties, KY. Supporting shipper: Sicalco, Ltd., P.O. Box 415, Palos Heights, IL 60463.

MC 124154 (Sub-3–6TA), filed October 24, 1980. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate, P.O. Box 645, Albany, GA 31703. *Agricultural fertilizers, chemicals, and products, supplies and raw materials used in the manufacture, distribution and sale of agricultural fertilizers and chemicals* between Bowling Green, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Rad Chemicals, Inc., 125 W. Plymouth Avenue, Leland, FL 32720.

MC 134064 (Sub-3–8TA), filed October 27, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *(1)(a) Foodstuffs (except in bulk) and (b) such merchandise as is dealt in by retail, gift, and curio shops and catalog distribution centers (except in bulk),* from the facilities of The Swiss Colony at Monroe and Madison, WI, to points in the United States (except AK and HI) and *(2)(a) Foodstuffs (except in bulk); (b) such merchandise as is dealt in by retail, gift, and curio shops and catalog distribution centers (except in bulk), and (c) materials, equipment and supplies used in the manufacture and distribution of the commodities names in (1) above (except in bulk),* from points in the United States (except AK and HI) to the facilities of The Swiss Colony at Madison and Monroe, WI. Supporting shipper: The Swiss Colony, 1112 7th Avenue, Monroe, WI 53566.

MC 140484 (Sub-3–14TA), filed October 20, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (Same as Applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having prior or subsequent movement by rail,* between (1) The Florida East Coast Railroad piggyback ramp at Belle Glade, FL, on the one hand, and on the other, points in Collier, Hendry and Lee Counties, FL, and (2) The Seaboard Coastline Railroad Company piggyback ramp at or near Tampa, FL, on the one hand, and on the other, points in Collier, Hendry and Lee Counties, FL. Supporting shippers: Sunset Distributors, Inc., 3404 Cargo Street, Fort Myers, FL, 33901; Sarlo Power Mowers, Inc., 2315 Anderson Avenue, Fort Myers, FL, 33901, and Metropolitan Fort Myers Chamber of Commerce, P.O. Box CC, Fort Myers, FL 33902.

MC 143956 (Sub-3–15TA), filed October 22, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3574 Piedmont Road, Atlanta, GA 30305. *Electronic calculators, cash registers and parts thereof* between points in the U.S. restricted to movements destined to or originating at facilities utilized by Victor Business Products. Supporting shipper: Victor Business Products, 9555 Plaza Circle, El Paso, TX 79907.

MC 143059 (Sub-3–22TA), filed October 20, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 42032. Representative: Kenneth W. Kilgore (same address as applicant). *Iron and steel articles,* from Chicago, IL, to points in AL, AR, FL, GA, KY, LA, MS, OK, TN and TX. Supporting shippers: Precision Steel Co., 3500 N. Wolfe Rd., Franklin Park, IL 60131; Abex-Stanray Corp., 4527 Columbia Ave., Hammond, IN 46320; Abcor Steel, 351 W. Pershing, Chicago, IL 60609; and California Steel Co., 3301 California Ave., Chicago, IL.

MC 91306 (Sub-3–6TA), filed October 24, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street N.W., Washington, DC 20005. *Insulated copper wire, flexible steel conduit, and wrought steel pipe, and materials and supplies used in the distribution thereof,* from New York and Hicksville, NY, and points in their commercial zones, to points in NC, SC, TN, GA, VA, and KY. Supporting shipper: Cerro Wire & Cable Company, 5500 Maspeth Avenue, Maspeth, NY 11378.

MC 121654 (Sub-3–20TA), filed October 24, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Bruce E. Mitchell, Alan E. Serby, 3390 Peachtree Rd. NE., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *General Commodities (except in bulk, and except Classes A and B explosives, those requiring special equipment and household goods) in containers having a prior or subsequent movement by water,* between Savannah, GA and its commercial zone, on the one hand, and, on the other, points in NC, SC, GA, FL, AL, and TN. There are 5 statements in support which may be examined at the ICC Regional Office in Atlanta, GA.

MC 121654 (Sub-3–19TA), filed October 24, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Bruce E. Mitchell, Alan E. Serby, 3390 Peachtree Rd. NE., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Foodstuffs* from the facilities of J. H. Filbert & Co. at or near Baltimore, MD to points in NJ, PA, NY, CT, RI, MA, NH, VT, and ME. Supporting shipper: J. H. Filbert & Co.,

3701 Southwestern Boulevard, Baltimore, MD 21229.

MC 121654 (Sub-3—18TA), filed October 24, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd. NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Malt Beverages* from the facilities of Miller Brewing Company at or near Eden, NC to Martinsburgh, WV. Supporting shipper: Reid Distributing Company, 638 N. Queen Street, Martinsburg, WV 25401.

MC 121654 (Sub-3–17TA), filed October 24, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd. NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Concrete Products* from facilities of Gate Concrete Products Co., Jacksonville, FL to points in GA, NC, and SC. Supporting shipper: Gate Concrete Products Co., 402 Heckscher Drive, Jacksonville, FL 32218.

MC 136315 (Sub-3–7TA), filed September 26, 1980. Republication—originally published in **Federal Register** of 10–16–80, page 68782, volume 45, No. 202. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *Primary metal products and materials, equipment and supplies used in the manufacture and sale and distribution of said commodities,* between points in New Castle County, DE and Washington and Allegheny Counties, PA, on the one hand, and, on the other, points in the states of DE, IL, IN, KY, MI, NC, NY, OH, PA, SC, TN, and VA. Supporting shipper: Forbes Steel Corporation, P.O. Box 329, Cannonsburg, PA 15317.

MC 31389 (Sub-3–8TA), filed October 27, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102. *Pipe and pipe fittings,* from Hoboken and Harrison, NJ to Manchester (Adams County), OH. Supporting shipper: Fabco Piping, Inc., 1000 South 4th Street, Harrison, NJ 07029.

Note.—Applicant intends to tack this authority with its existing authority in MC 31389.

MC 147911 (Sub-3–4TA), filed October 27, 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. *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. Supporting shipper(s): Tennessee Adhesives and Chemical Corp., 114 Bridge Avenue, Murfreesboro, TN.

MC 123654 (Sub-3–1TA), filed October 21, 1980. Applicant: DORIS JONES d.b.a. DORIS JONES TRUCKING COMPANY, Old Dresden Highway, Gleason, TN 38229. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219. *Contract carrier,* irregular routes: *Bricks,* between Nashville, TN and Fayetteville, AR. Supporting shipper: Herbert Materials Incorporated, 1136 2nd Avenue, North, Nashville, TN 37208.

MC 150464 (Sub-3–4TA), filed October 15, 1980. Applicant: C. E. MELTON TRANSPORT, Route 4, Highway 280 East, Americus, Georgia 31709. Representative: Carl Melton (same as above). *General Commodities (with usual exceptions)* between Ellaville and Americus, GA, on the one hand, and, on the other, points in AL, AR, KY, MS, MO, KS, OK, LA, TN and TX. Supporting shipper: Bowen Supply, Swett Avenue, Americus, GA. 31709; Greenfield Metal Products Co., Inc., P.O. Box 26, Ellaville, GA, 31806; American Tree & Wreath, Route 4, Jingle Bell Lane, Americus, GA 31709; and Metalux Corp., P.O. Box 1207, Americus, GA 31709.

MC 151967 (Sub-3–1TA), filed October 23, 1980. Applicant: C. G. HOPKINS TRUCKING, 2071 S. E. 52nd St., Ocala, FL 32671. Representative: Cecil G. Hopkins (same address as applicant). *Cattle hides,* from Jacksonville, Tampa and Ocala, FL, to Memphis, TN. Supporting shipper: Memphis Processors, Inc., 700 West Peebles Rd., Memphis, TN 38109.

MC 151395 (Sub-3–5TA), filed October 23, 1980. Applicant: SNEAKER FREIGHT LINE, INC., 4215 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Containers and container components* from DeKalb County, GA to points in FL, GA, NC, SC, MD, TN, VA, TX, OK, AR, LA, MS, AL, KY, PA, NY, and NJ. (2) *Materials, equipment and supplies used in the manufacture and distribution of containers and container components* from the states listed in (1) above to DeKalb County, GA. Restricted to traffic originating at or destined to the facilities of Bennett Industries in DeKalb County, GA. Supporting shipper: Bennett Industries, 2160 Lithonia Industrial Blvd., Lithonia, GA 30058.

MC 146646 (Sub-3–34TA), filed October 22, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest, (same address as applicant). *Cleaning compound detergents, and materials, equipment and supplies used in the manufacture, sale and distribution of the foregoing commodities (except commodities in bulk).* Between the facilities of Pine Glo Products, Inc. at or near Raleigh, NC and points in the U.S. (except AK and HI). Supporting shipper: Pine Glo Products, Inc.; P.O. Box 27844, Raleigh, NC 27603.

MC 59150 (Sub-3–9TA), filed October 21, 1980. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *Paper and paper products, and equipment, materials and supplies used in the manufacture, installation or distribution of paper and paper products,* between Richmond County, GA, on the one hand, and, on the other, points in the east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Abitibi Price Southern Corp., P.O. Box 427 (13), Augusta, GA 30913.

MC 31675 (Sub-3–23TA), filed October 22, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, N.C. 28234. Representative: Jay R. Hanson (same as above). *Display fixtures, parts and accessories for display fixtures and materials, equipment and supplies used in manufacture of the commodities* between Rutherford County, NC, Utah County, UT, and points and places in the U.S. Supporting shipper(s): The North Carolina Display Company, Forest City, NC.

MC 138177 (Sub-3–2TA), filed October 23, 1980. Applicant: BROWN TRUCKING, INC., 7622 Apple Valley Road, Germantown, TN 38138. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, Memphis, TN 38103. (1) *Commodities, in bulk in dump vehicles; and alloys, metals; non-liquid fertilizer and phosphate; caustic soda; aggregate, coal slag, shredded scrap, and pig iron,* from the facilities of G–K Industries, Inc. and Mid-South Terminals Corporation, Memphis, TN; and Specialty Alloys Corporation, Gallaway, TN, to points in the U.S. in and east of ND, SD, NE, KS, and NM; and (2) *Ferro and silicon alloys,* from Birmingham and Sheffield, AL; Hickman and Calvert City, KY, to the facilities of Specialty Alloys Corporation, Gallaway,

TN. Supporting shippers: Mid-South Terminals Corporation, 1145 Channel Avenue, Memphis, TN 38113; Intsel Corporation, 825 Third Ave., New York, NY 10022; G–K Industries, Inc., 2750 Broad Ave., Memphis , TN 38112; and Specialty Alloys Corporation, P.O. Box 56, Gallaway, TN 38036.

MC 115793 (Sub-3–3TA), filed October 22, 1980. Applicant: CALDWELL FREIGHT LINES, INC. P.O. Box 620, Lenoir, N.C. 28645. Representative: C. Douglas Woods (same address as applicant). *New furniture and furniture parts, and materials and supplies used in the manufacture of furniture and furniture parts (except materials and supplies in bulk),* between the facilities of Singer Furniture Company, located at AR, VA, and NC. Supporting shipper: Singer Furniture Company, P.O. Box 3337, Roanoke, VA. 24012.

MC 145247 (Sub-3–1TA), filed October 24, 1980. Applicant: HERSCHEL T. LAMB, d.b.a. CAROLINA SOUTHERN, 2816 S. Stratford Road, Winston-Salem, NC 27103. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. *Contract* carrier: irregular routes, (1) *meat, 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, (except commodities in bulk) and (2) foodstuffs, when moving in mixed loads with the commodities in (1) above, from Washington, DC to points in Houston County, AL. Supporting shipper: District Hotel Supply Co., Inc., 300 E Street SW., Washington, D.C. 20024.

MC 151083 (Sub-3–3TA), filed October 20, 1980. Applicant: JACKSONVILLE EXPRESS, INC., 5219 New Kings Road, Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract carrier,* irregular routes: *Used office equipment,* between Jacksonville, FL and Elizabeth, NJ. Supporting Shipper: Southeast Carrier, Inc., 401 Bryan Street, Jacksonville, FL 32202.

MC 144069 (Sub-3–11TA), filed October 22, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W. T. Trowbridge (same address as applicant). *General commodities, in containers or trailers, having an immediately prior or subsequent movement by water,* between Charleston, SC on the one hand, and, on the other, points in NC, SC, GA, VA, TN, and KY. Supporting Shippers: Battery Brokers, Inc., P.O. Drawer J, Charleston, SC 29402; Harrington & Company, 41 Prioleau St., P.O. Box 1296, Charleston, SC 29402; and Rohner, Gehrig Co., Inc., P.O. Box 1062, Charleston, SC 29402.

MC 682 (Sub-3–1TA), filed October 22, 1980. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: Wade H. Tomlinson, P.O. Box 7966, Columbus, GA 31907. *Kitchen cabinets and vanities,* between Denver, CO and all points in the Continental U.S. Supporting Shipper: Mastercraft Industries, Inc., 6175 E. 39th Ave., Denver, CO 80207.

MC 136363 (Sub-3–3TA), filed October 22, 1980. Applicant: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801. *(1) Such commodities as are dealt in by retail discount department or variety stores (except commodities in bulk) and (2) materials, equipment, and supplies used in the conduct of those businesses named in Item (1) above (except commodities in bulk)* between AR, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, OH, OK, PA, RI, TX, VA, VT, WV, and WI, on the one hand, and on the other, facilities of Richway, a division of Federated Department Stores, Inc. located in AL, FL, GA, NC, SC, & TN. Supporting shipper: Richway, 45 Broad Street, Atlanta, GA 30302.

MC 31675 (Sub-3–22TA), filed October 22, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Jay R. Hanson (same address as applicant). *Chemicals: Sodium Sulphate,* between Gaston and Cleveland Counties, NC, McMinn County, TN, and points in and east of WI, IL, KY, TN, and MS. Supporting shipper: Prior Chemical Corp., 420 Lexington Ave., New York, NY 10017.

MC 11220 (Sub-3–13TA), filed October 23, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *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 RMAX, Inc., at or near Dallas, TX, on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MS, MN, MO, NM, NE, ND, OH, OK, PA, SD, TN, TX, WV, and WY. Supporting shipper: RMAX, Inc., 13524 Welch Road, Dallas, TX.

MC 11220 (Sub-3–14TA), filed October 23, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *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 The Toro Company, at or near Mason City, IA; Bloomington, Burnsville, Minneapolis, and Windom, MN; and Hudson and Tomah, WI, on the one hand, and, on the other, St. Louis, MO and points in AL, AR, GA, LA, MS, OK, TN, and TX. Applicant intends to tack with its existing regular route authority and to interline with other carriers at St. Louis, MO, Chattanooga and Memphis, TN, Atlanta, GA, Birmingham and Mobile, AL, Jackson, MS, New Orleans, LA, Oklahoma City, OK and Dallas, TX. Supporting shipper: The Toro Company, 8111 Lyndale Avenue South, Minneapolis, MN 55420.

MC 112617 (Sub-3–10TA), filed October 24, 1980. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as above). *Liquid asphalt, in bulk, in tank vehicles, equipped with propane burners,* from the facilities of Gulf States Asphalt Company at Beaumont, TX to points in the U.S. in and east of TX, OK, KS, NB, and MN and points in NM. Supporting shipper: Gulf States Asphalt Company, Inc., 601 Jefferson, Suite 535, Houston, TX 77002.

MC 125689 (Sub-3–2TA), filed October 22, 1980. Applicant: BEATTYVILLE TRANSPORT, INC., Ice Dam Lane, Box 675, Cattlettsburg, KY 41129. Representative: Fred H. Daly, 2550 M Street NW., Washington, DC 20037. *Propane,* between Greenup County, KY, and points in OH, VA and WV. Supporting shipper: Buckeye Gas Products Company, 23rd and Beech Streets, Kenova, WV 25530.

MC 129537 (Sub-3–4TA), filed October 22, 1980. Applicant: REEVES TRANSPORTATION CO., Route 5 Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. *(1) Such commodities as are dealt in and distributed by grocery, hardware and drug stores; (2) Cleaning and building maintenance materials and supplies; (3) Swimming pools, spa and hot tub products; (4) Chemicals; and (5) Materials, equipment and supplies used for the manufacture, sale and distribution of the commodities named*

in (1) through (4) above between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities used by Purex Corporation. Further restricted against the transportation of commodities in bulk. Supporting shipper: Purex Corporation, 24600 S. Main, Carson, CA 90749.

MC 152185 (Sub-3–1TA), filed October 24, 1980. Applicant: MAKO MARINE, INC., 4355 N.W. 128th Street, Miami, FL 33054. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. *Boats,* between all points and places in the following states: AL, CO, DE, FL, GA, IN, LA, ME, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TX and WI. Supporting Shippers: There are 20 statements of support which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 25798 (Sub-3–7TA), filed October 24, 1980. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). *Meat products, meat byproducts and articles distributed by meat packinghouses as described in Sections A & C Appendix 1 to the report in Descriptions on Motor Carrier Certificates, 61 MCC 209 and 766.* From the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS to points in the United States (except AR, LA, OK and TX). Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 151083 (Sub-3–2TA), filed October 22, 1980. Applicant: JACKSONVILLE EXPRESS, INC., 5219 New Kings Road, Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract carrier:* Irregular routes: *Methalene chloride* between Jacksonville, FL and Savannah, GA. Supporting shipper: Southeast Carrier, Inc., 401 Bryan Street, Jacksonville, FL 32202.

MC 126574 (Sub-3–4TA), filed October 20, 1980. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., P.O. 7362, Greensboro, NC 27407. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Containers, container ends and closures, commodities manufactured or distributed by manufacturers and distributors of containers, and materials, supplies, and equipment, used in the manufacture, sale, and distribution of containers, containers end and closures* between points in Pittsylvania County, VA on the one hand, and, on the other, points in GA, KY, NC, SC and TN. Supporting shipper: Brockway Glass Company, Inc., McCollough Avenue, Brockway, PA 15824.

The following applications were filed in region 5. Send Protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 200 (Sub-5–64TA), filed October 27, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Empty steel shipping cylinders for oxygen and gases,* between Garfield County, OK, on the one hand, and, on the other, points in CA. Restricted to shipments originating at or destined to facilities used by Chesterfield Cylinder Co., its affiliates, suppliers, or vendors. Supporting shipper: Chesterfield Cylinder Co., U.S. 64 & Raleigh St., Enid, OK 73701.

MC 200 (Sub-5–65TA), filed October 27, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Nonhousehold synthetic organic detergents, fatty acids, triglycerides, metallic stearates, and wax,* between Tarrant County, TX, on the one hand, and, on the other, Washington County, KY; Vermillion County, IL; Poweshiek County, IA; Aiken County, SC; Harris County, TX; Brazoria County, TX; and Galveston County, TX. Restricted to shipments originating at or destined to facilities used by Petrochemicals Company, Inc., its affiliates, suppliers, or vendors. Supporting shipper: Petrochemicals Company, Inc., 2001 N. Grove, Ft. Worth, TX 76101.

MC 29910 (Sub-5–61 TA), filed October 27, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72902. *Chemicals and lubricating oils (except in bulk),* between Huntsville, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Master Chemical Corporation, 501 West Boundary, Perrysburg, OH 43551.

MC 35320 (Sub-5–39), filed October 27, 1980. Applicant: T.I.M.E.–DC, INC. 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General commodities, except household goods as defined by the Commission, and classes A and B explosives,* serving Salt Lake City, UT and Clearfield, UT and their commercial zones as off-route points in connection with carrier's otherwise authorized regular-route operations. Supporting shippers: Seven.

Note.—Applicant intends to tack and interline.

MC 95084 (Sub-5–8TA), filed October 27, 1980. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *(1) Concrete, cement forms and (2) Materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above,* between Boone, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Quinn Foundry and Machine, Division of Zeidlers, Inc., P.O. Box 130, 1518 East 12th, Boone, IA 50036.

MC 113362 (Sub-5–16TA), filed October 27, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Meat products,* between Webster City, IA, on the one hand, and, on the other, points in IL, IN, OH, MO, NE, KS, SD, MN, and WI. Supporting shipper: The Nissen Company, East Highway 20, Webster City, IA 50595.

MC 114274 (Sub-5–4TA), filed October 27, 1980. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th St. Pl., Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601, (Phone) 312–332–5106. *Confectionery* from the facilities of M & M Mars, Inc., Division of Mars, Inc., at Chicago, IL; Elizabeth, PA; and Hacketstown, NJ to points in IA, NE, IL, MN, KS, and MO. Supporting shipper: M & M Mars, Inc., Division of Mars, Inc., High St., Hacketstown, NJ 07870.

MC 116077 (Sub-5–11TA), filed October 27, 1980. Applicant: DSI TRANSPORTS, INC., 5851 San Felipe, Suite 800, P.O. Box 1505, Houston, TX 77057. Representative: J. C. Browder (same address as above). *Chemicals in bulk, in tank vehicles,* between Matagorda County and Nueces County, TX, on the one hand, and points in the U.S. (except AK and HI), on the other. Supporting shipper: Celanese Corporation, Post Office Box 47320, Dallas, TX 75247.

MC 117119 (Sub-5–37TA), filed October 27, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: June B. Ball (same address as applicant). *Such merchandise as is used in retail, wholesale, chain grocery and food business houses (except in bulk)* from

Decatur, IL to Atlanta, GA and Mechanicsburg, PA. Supporting shipper(s): A. E. Staley Manufacturing Co., 2222 Kensington Court, Decatur, IL 60521.

MC 117119 (Sub-5-38TA), filed October 27, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: June B. Ball (same address as applicant). *Frozen foods* from Chicago, IL to points in MD, VA, NC, NJ, NY, DE, PA, SC, GA, TN, MA, CT, RI, and MN. Supporting shipper(s): Emcee Meat Company, 4545 South Racine, Chicago, IL 60609.

MC 121570 (Sub-5-1TA), filed October 27, 1980. Applicant: AUSLEY MOTOR FREIGHT, INC., 101 S.W. 7th Street, Oklahoma City, OK 73125. Representative: Dean Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Common, regular; *General commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those which require the use of special equipment),* between Altus, OK and the Dallas-Fort Worth, TX commerical zone over the following route: From Altus, OK via U.S. Highway 283 to its intersection with U.S. Highway 287 at Vernon, TX; thence via U.S. Highway 287 to the Dallas-Fort Worth commercial zone, and return over the same route serving no intermediate points. Applicant intends to interline with other carriers. Supporting shippers: There are 6 supporting shippers.

MC 125254 (Sub-5-7TA), filed October 27, 1980. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Liquid foundry compounds, in containers,* from Muscatine, IA, to Paterson, NJ; Arlington, MA; East Stroudsburg, PA; Greensboro, NC; and Newark, NJ. Supporting shipper: Carver Foundry Products, Division of International Mineral Corporation, P.O. Box 837, Muscatine, IA 52761.

MC 126822 (Sub-5-31TA), filed October 27, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). *(1) Building materials and (2) materials and supplies used in the manufacture and distribution of (1) above* between points in the U.S., restricted to the transportation of shipments from, to, or between the facilities of D. L. Kropp and Associates, Inc. Supporting shipper: D. L. Kropp and Associates, Inc., P.O. Box 916, Lewisville, TX 75067.

MC 126822 (Sub-5-32TA), filed October 27, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). *General commodities (except commodities in bulk and household goods)* between points in the U.S., restricted to the transportation of shipments from, to, or between the facilities of Jos. Schlitz Brewing Company. Supporting shipper: Jos. Schlitz Brewing Company, 235 W. Galena Street, Milwaukee, WI 53212.

MC 133811 (Sub-5-1TA), filed October 27, 1980. Applicant: H. E. McCONNELL and H. E. McCONNELL II d.b.a. McCONNELL & SON TRUCKING COMPANY, 5117½ East Broadway, North Little Rock, AR 72114. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *Fly Ash and Bottom Ash, in bulk,* from the facilities of CHEM-ASH, Inc., at Redfield, AR to all points in KY, TN, MS and LA. Supporting shipper: CHEM-ASH, Inc., Redfield, AR.

MC 134405 (Sub-5-14TA), filed October 27, 1980. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Bentonite, in bulk in pneumatic trailers,* from Colony and Upton, WY to East Baton Rouge, West Baton Rouge and Pointe Coupee Parishes, LA. Supporting shipper: Wilbur-Ellis Company, Suite 200, Eighth and Eighth Building, Greeley, CO 80631.

MC 136212 (Sub-5-1TA), filed October 27, 1980. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, Peterson, Bowman & Johanns, P.O. Box 81849, Lincoln, NE 68501. *Feed and feed ingredients* from Lincoln, Fremont and Gothenburg, NE; Emporia, Wichita, and Fredonia, KS; and Kansas City and St. Joseph, MO, and points within their respective commercial zones to OK, TX, and NM. Restricted to traffic originating at or destined to the facilities of Doug Record Corporation, Inc. Supporting shipper: Doug Record Corporation, Inc., 1946 Avenue Q, Fields Building, Lubbock, TX 79405.

MC 136786 (Sub-5-37TA), filed October 27, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Electrical meters,* between Waco, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Texas Meter & Device Co., Inc., 1323 N. 4th Street, P.O. Box 3088, Waco, TX 76707.

MC 140033 (Sub-5-10TA), filed October 27, 1980. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Wearing apparel and supplies necessary to operate retail clothing stores* from Arlington, TX to Atlanta, GA. Supporting shipper: Foxmoor Casuals, 393 Manley Street, West Bridgewater, MA.

Note.—Applicant intends to tack and interline.

MC 140665 (Sub-5-42TA), filed October 27, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. *Frozen Meats* between the facilities of New Orleans Cold Storage and Warehouse Co., Ltd. at New Orleans, LA, on the one hand, and, on the other, points in AZ, CA, CO, IA, ID, IL, IN, KS, KY, MI, MN, MO, MT, NC, ND, NE, NM, NV, NY, OH, OK, OR, PA, SD, TN, TX, UT, VA, WA, WI, and WY. Supporting shipper: New Orleans Cold Storage & Warehouse Co., Ltd., 3401 Alvar, New Orleans, LA 70188.

MC 141914 (Sub-5-16TA), filed October 27, 1980. Applicant: FRANKS AND SONS, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as applicant). *Wood and plastic articles* from West Paris, ME to points in AL, CO, CN, DE, ID, IN, IA, KY, LA, MA, MI, MS, MT, NE, NJ, NM, NY, ND, PA, RI, SD, VT, WV, WI & WY. Supporting shipper: Penley Corporation, West Paris, ME 04289.

MC 141914 (Sub-5-17TA), filed October 27, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as applicant). *General commodities* between points in the U.S., on the one hand, and, on the other, the facilities of Brunswick Corporation. Supporting shipper: Brunswick Corporation, One Brunswick Plaza, Skokie, IL 60077.

MC 142672 (Sub-5-16TA), filed October 27, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Foodstuffs (except in bulk, in tank vehicles)*—From the plantsite of Adams Packing Association, Inc., at or near Memphis, TN—To points in the U.S. (except AK and HI). Supporting

shipper: Adams Packing Association, Inc., Post Office Box 37, Auburndale, FL 33823.

MC 144682 (Sub-5–11TA), filed October 27, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Paper and paper products, plastic film or sheeting, plastic articles, and plastic portable toilets* (1) between CA on the one hand, and, on the other, points in OR, WA, ID, CO, UT, AZ, NM and Dallas County, TX; and (2) between Dallas County, TX on the one hand and, on the other, points in CO, ID and NM. Supporting shipper(s): Dixico, Inc., Flexible Packaging Division, 4331 Bronze Way, Dallas, TX 75265.

MC 145489 (Sub-5–10TA), filed October 27, 1980. Applicant: ROSE-WAY, INC., P.O. Box 4644, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract: Irregular. *Lumber, lumber products and millwork,* from points in AL, AR, FL, GA, LA, MS, OK and TX, to points in IA, IL, IN, MN and WI, under continuing contract(s) with Midwest Lumber Associates of Sun Prairie, WI. Supporting shipper(s): Midwest Lumber Associates, 600 West Main Street, Sun Prairie, WI 53590.

MC 145744 (Sub-5–2TA), filed October 27, 1980. Applicant: C. V. SOHN, INC., 142 Midland, Maryland Heights, MO 63043. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. (1) *Frozen Foods and Frozen Meat, Meat Products and Meat By-products;* and (2) *Meat, Meat Products and Meat By-products,* (1) Between St. Joseph, MO on the one hand, and, on the other, points in the U.S.; and (2) Between Holton, KS on the one hand, and, on the other, points in the U.S. Supporting shippers: Artesian Ice & Cold Storage Co., 2700 Stockyards Expressway, St. Joseph, MO 64102. Midland Meats, 622 West 3rd Street, Lee's Summit, MO 64063.

MC 148648 (Sub-5–1TA), filed October 27, 1980. Applicant: GREAT PLAINS TRANSPORTS, INC., P.O. Box 923, 1750 Highway 183 South, Clinton, OK 73601. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. *Machinery, equipment, materials and supplies, use in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products;* and *machinery, equipment, materials and supplies, use in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells,* between points in TX and OK, and between TX and OK, on the one hand, and, on the other, points in LA. Supporting shippers: 9.

MC 148833 (Sub-5–5TA), filed October 27, 1980. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Lumber, millwork and building materials, except in bulk,* between the facilities of Midwest Lumber and Millwork at or near Des Moines, IA, on the one hand, and, on the other, points in and west of MI, IN, KY, TN, GA and FL. Supporting shipper: Midwest Lumber and Millwork, 9945 Hickman Road, Des Moines, IA 50317.

MC 150330 (Sub-5–8TA), filed October 27, 1980. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main Street, Jacksonville, AR 72076. Contract, irregular; *household appliances, television sets, recorders (tape or wire), air conditioners, equipment, materials, and supplies used in the manufacture and distribution thereof* between the facilities of General Electric Company on the one hand, and all points in the U.S.A. on the other hand. Supporting shipper: General Electric Company, Appliance Park, Louisville, KY 40225.

MC 150949 (Sub-5–4TA), filed October 27, 1980. Applicant: NFI, INC., Box 664, S. Interstate No. 35, Waxahachie, TX 75165. Representative: Gerald S. Duzinski, 71 West Park Avenue, Vineland, NJ 08360. *Plumbing goods, fixtures, and materials, equipment, and supplies,* used in the manufacture, sale, and distribution of such commodities between points in Lee County, MS, on the one hand, and, on the other, points in AR, LA, & TX. Supporting shipper: Eljer Plumingware, Pittsburgh, PA 15222.

MC 151848 (Sub-5–1TA), filed October 27, 1980. Applicant: INTERNATIONAL VAN AND STORAGE, INC., 5001 NW. 4th, Oklahoma City, OK 73127. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Household goods, as defined by the Commission,* between points in AZ, WY, CO, NM, NE, KS, OK, TX, MO, AR, LA, IL, TN, NY, MD, VA, and NJ. Supporting shippers:

MC 152025 (Sub-5–1TA), filed October 27, 1980. Applicant: TOMMY'S HOT SHOT SERVICE, P.O. Box 2022, Orange, TX 77630. Representative: Lena Ann Vilo (same address as above). (1) *Plastics and plastic articles (except in bulk);* (2) *Oilfield equipment, material and supplies,* from Orange, TX to points in LA, MS, AR, and OK. Supporting shippers: Wilson's Whse. Co. of Texas Inc., 215 N. 39th St., Orange, TX 77630 and Joe's Rental Tools Co., P.O. Box 212, Beaumont, TX 77704.

MC 152281 (Sub-5–1TA), filed October 27, 1980. Applicant: LIBERTY EXPRESS, INC., 1044 Swift, North Kansas City, MO 64116. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *General commodities,* from the Commercial Zone of Kansas City, MO, to points in AR, IA, KS, MO, NE and OK. Supporting shippers: Mid-West Terminal Warehouse Company, GPO Box 11 (1501 Southern), Kansas City, MO 64141 and Sweetheart Cup Corp., 7575 South Kostner Avenue, Chicago, IL 60652.

MC 152360 (Sub-5–1TA), filed October 27, 1980. Applicant: WILCO TRANSPORTATION, INC., Box 16, Springfield, MO 65803. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Contract, irregular. *Wine, malt beverages, and distilled spirits (except in bulk)* from Modesto, CA to Springfield, MO, under continuing contracts with Murray Distributing Company, of Springfield, MO. Supporting shipper: Murray Distributing Company, Springfield, MO 65803.

MC 152362 (Sub-5–1TA), filed October 27, 1980. Applicant: SOUTHWEST EXPRESS CO., INC., 1007 Cooper Sq. #276, Arlington, TX 76010. Representative: Mr. Timothy C. Hope (same address as applicant). (1) *Products utilized in the drilling and production of oil and gas wells, restricted to shipments of 15,000 lbs. or less;* (2) *General commodities (not to include refrigerated commodities), restricted to shipments under 15,000 lbs. or less* between all points in TX, NM, OK, CO, WY, AR, TN, LA, MS, AL, GA, NC, SC, FL, and VA, on the one hand, and on the other hand, all points in the U.S., including AK and HI. Supporting shipper: Maker Company, 6400 McCullar Rd., Haltom City, TX 76117; Earle M.

Jorgensen Co., 2030 W. Commerce St., Dallas, TX 75265; Mustang Service Company, 109 Fairview, Arlington, TX 76010; Vickery Sims, 905 Mayfield Rd. Box 459, Arlington, TX 76010.

MC 152364 (Sub-5–1TA), filed October 27, 1980. Applicant: TOM, DICK AND HARRY DELIVERY CO., INC., 7313 Edwards Street, Houston, TX 77007. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. *General commodities (except classes A & B explosives, cement, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) which are at the time moving on bills of lading of Acme Fast Freight, Inc. under the provisions of the Interstate Commerce Act.* Between Houston, TX and points in the Houston, TX Commercial Zone, on the one hand, and on the other, points in Milam, Robertson, Leon, Houston, Angelino, San Augustine, Lee, Liberty, Burleson, Brazos, Grimes, Madison, Trinity, Polk, Tyler, Jasper, Newton, Washington, Waller, Harris, Walker, San Jacinto, Montgomery, Fayette, Austin, Colorado, Harris, Chambers, Jefferson, Orange, Hardin, Victoria, Jackson, Wharton, Brazoria, Fort Bend, Galveston, Matagorda, Calhoun, Refugio, and Arkansas Counties, TX. Supporting shipper: Acme Fast Freight, Inc., 4951 Simonton Road, Dallas, TX 75234.

MC 152365 (Sub-5–1TA), filed October 27, 1980. Applicant: PETROLEUM PUMP & TRANSPORT SERVICE, INC., 2800 W. 42nd St., P.O. Box 3803 (mailing), Odessa, TX 79760. Representative: George L. Fowler, Attorney at Law, 115 West Fifth Street, Odessa, TX 79761. *Machinery, materials, supplies and equipment incidental to, or used in the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum. Between points in TX, OK, KS, NM, LA and CO. Supporting shippers: Approximately 47 supporting shippers.*

MC 152366 (Sub-5–1TA), filed October 27, 1980. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717–17th St., Suite 2600, Denver, CO 80202. (1) *Machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products,* and (2) *Machinery, materials, equipment and supplies used in, or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines* (a) between points in and west of ND, SD, NE, KS, OK and TX, and (b) between points in and west of ND, SD, NE, KS, OK and TX on the one hand, and, on the other, AR, IL and LA. Supporting shippers: Pacer Corporation, P.O. Box 912, Custer, SD 57730; Davis Oil Company, 410—17th St., Suite 1400, Denver, CO 80202; and Wilson Industries, Inc., P.O. Box 1492, Houston, TX 77001.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–34933 Filed 11–7–80; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Proposed Consent Judgment in Action To Enjoin Discharge of Water Pollutants by Inversand Company

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 16, 1980, a proposed consent judgment in *United States of America* v. *Inversand Company,* Civil Action No. 80–3375, was lodged with the United States District Court for the District of New Jersey. The defendant, Inversand Company, owns and operates a facility which produces manganese greensand and discharges pollutants into a tributary of Mantua Creek in Sewell, New Jersey. The proposed consent judgment requires Inversand Company to achieve compliance with the effluent limitations in its National Pollutant Discharge Elimination System Permit by April 4, 1981, in accordance with a specified schedule of compliance, and to pay stipulated penalties if it fails to meet the compliance schedule. In addition, the consent judgment requires Inversand to pay a civil penalty of $65,000.

The proposed consent judgment may be examined at the office of the United States Attorney, Civil Division, Post Office Box 330, Newark, New Jersey 07102; at the Region II office of the Environmental Protection Agency, 25 Federal Plaza, New York, New York 10007; and at the Environmental Enforcement Section, Land & Natural Resources Division of the Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land & Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent judgment for a period of thirty (30) days from the date of this notice. Comments should be addressed to Angus Macbeth, Deputy Assistant Attorney General, Land & Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to the *United States of America* v. *Inversand Company,* Civil Action No. 80–3375, D.J. No. 90–5–1–1–1273.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80–35005 Filed 11–7–80; 8:45 am]

BILLING CODE 4410–01–M

Proposed Consent Decree in Action To Enjoin Discharge of Hazardous Waste

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 30, 1980, a proposed Consent Decree in *United States* v. *Gulf Coast Lead Company* was lodged with the United States District Court of the Middle District of Florida. The proposed decree would require Defendants to correct its lead recovery operation located in Tampa, Florida which has resulted in contamination to groundwater and require Defendant to implement certain operational and remedial measures and a monitoring program at the site.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, 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. *Gulf Coast Lead Company,* D.O.J. Docket No. 90–7–1–129.

The proposed consent decree may be examined at the Office of the Clerk, U.S. District Court, Tampa, Florida, office of the United States Attorney, Room 410, Robert Timber Lake Building, 500 Zack Street, Tampa, Florida, at the Region IV Office of the Environmental Protection Agency, Enforcement Division, Legal Branch, 345 Courtland Street, Atlanta, Georgia 30365 and at the Hazardous Waste Section, Land and Natural Resources Division, Department of Justice (Room 1644), 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 Hazardous Waste Section, Land and

Natural Resources Division, Department of Justice.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-35006 Filed 11-7-80; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 80-14]

Jack A. Braley, D.O.; Revocation of Registration

On April 15, 1980, the Administrator of the Drug Enforcement Administration (DEA) directed to Jack A. Braley, D.O. (Respondent) an Order to Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration AB5663504. The predicate for the Order to Show Cause is the revocation of Respondent's license to practice osteopathy by the Kansas State Board of Healing Arts on December 15, 1979, thereby terminating his authority to prescribe, dispense, administer or otherwise handle controlled substances in Kansas. Respondent, through counsel, requested a hearing. On June 24, 1980, the Honorable Francis L. Young, administrative law judge, conducted a telephone prehearing conference with counsel for Respondent and the Government. During the prehearing conference, counsel for Respondent and the Government agreed there is no genuine issue of fact in this case. On June 25, 1980, Judge Young issued a prehearing ruling directing Government counsel to submit a motion in the nature of a motion for summary judgment, which Government counsel did on July 16, 1980. The motion included a certified copy of the revocation by the Kansas board. Respondent's counsel responded to the motion on August 22, 1980. On September 11, 1980, Judge Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Pursuant to 21 CFR 1316.67, the Administrator publishes his Final Order in this proceeding, based upon the findings of fact and conclusions of law set forth below.

Judge Young found that the Kansas State Board of Healing Arts revoked Dr. Braley's license to practice osteopathy in Kansas on December 15, 1979. This revocation terminates Respondent's authority to prescribe, dispense, administer or otherwise handle controlled substances in the State of Kansas. Under Title 21, United States Code, Section 823(f), DEA is to register practitioners such as Respondent only if they are authorized to dispense controlled substances under the law of the state in which they practice. The Kansas board has revoked Respondent's osteopathy license. Therefore, he is without authority to dispense controlled substances, and DEA cannot register him. The merits of the action of the Kansas board, and the lawfulness of its procedures, are irrelevant in the DEA proceeding.

In a Response to the Government's motion, counsel for Respondent argues that DEA must await conclusion of Respondent's appeal to the Kansas board before revoking Respondent's registration. This Administration has consistently held that it need not await the outcome of an appeal from a State medical board revocation or suspension before revoking a practitioner's DEA registration. See *Malcolm E. Bridwell*, Docket No. 77-25, 43 FR 3955 (1978).

Judge Young concluded that where, as here, there is no factual question, "a plenary, adversary administrative proceeding involving evidence, cross-examination of witnesses, etc. is not obligatory." *United States* v. *Consolidated Mines and Smelting Co., Ltd.*, 455 F.2d 432, 453 (9th Cir. 1971). This Administration has denied or revoked DEA registrations without hearing in other cases in which the practitioner lost his state drug handling license. See *In the Matter of James Waymon Mitchell, M.D.*, Docket No. 79-16, 44 FR 71466 (1979); *In the Matter of David Sachs, M.D.*, Docket No. 77-22, 42 FR 29112 (1977).

The Administrator adopts the findings, conclusion and recommended decision of the administrative law judge, as set forth above. The Administrator finds that Dr. Braley's controlled substance handling privileges have been revoked by the Kansas State Board of the Healing Arts. The Administrator concludes that there is no genuine issue of fact, and further concludes that Respondent's DEA registration must be revoked. It is the decision of the Administrator to revoke Respondent's DEA registration. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby revokes DEA Certificate of Registration AB5663504, issued to Respondent Jack A. Braley, D.O., for the reason that the Kansas State Board of Healing Arts on December 15, 1979, revoked Respondent's license to practice osteopathy in Kansas, thus terminating his authority to prescribe, dispense, administer, or otherwise handle controlled substances in Kansas. This revocation is effective December 10, 1980.

Peter B. Bensinger,

Administrator.

November 3, 1980.

[FR Doc. 80-35007 Filed 11-7-80; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Correction Notice of Application

On January 10, 1980, Merck and Co., Inc., Merck Chemical Manufacturing Division, P.O. Box 2000, Lincoln Avenue, Attn: Office of the Secretary, Rahway, New Jersey 07065, made application to register with the Drug Enforcement Administration as an Importer of Raw Opium (Code 9600) and Concentrate of Poppy Straw (Code 9670). Notice of application was published in the **Federal Register** (45 FR 57790) on August 29, 1980; however, Raw Opium (Code 9600) was inadvertently omitted from the notice.

Any other such applicant, and any person who is presently registered with the DEA as a bulk Importer of Raw Opium (Code 9600) may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1311.42 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than December 8, 1980.

Dated: November 3, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-35008 Filed 11-7-80; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application

Notice is hereby given that on February 26, 1980, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug	Schedule
Raw opium (9600)	II
Poppy straw (opium plant form) (9650)	II
Concentrate of poppy straw (9670)	II

Any other such applicant, and any other person who is presently registered with the DEA as a bulk importer of these substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1311.42 and in the form prescribed by 21 CFR 1316.47.

Any such comments or objections may be addressed to the Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than December 8, 1980.

Dated: November 3, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-35009 Filed 11-7-80; 8:45 am]

BILLING CODE 4410-09-M

Dr. Nam Jin Park, M.D.; Revocation of Registration

On July 2, 1980, the Administrator of the Drug Enforcement Administration (DEA) directed to Nam Jin Park, M.D., the Respondent herein, an Order to Show Cause as to why the Respondent's DEA Certificate of Registration AP7277862 should not be revoked, for reason that on May 13, 1980, the United States District Court for the Southern District of New York accepted Respondent's plea of guilty to one (1) count of conspiracy to dispense and distribute Schedule II and Schedule IV controlled substances in violation of 21 U.S.C. 846. This conviction is a controlled substance-related felony. In a letter dated August 4, 1980, Respondent expressly waived his right to a hearing in this matter and provided the Administrator with a written statement regarding his position on the matters of fact and law involved. Pursuant to 21 CFR 1301.54(e), the Administrator has considered the investigative file in this matter and hereby publishes this Final Order pursuant to 21 CFR 1316.66.

The Administrator finds that on May 13, 1980, the Honorable Kevin Thomas Duffy, United States District Judge, sitting for and in the United States District Court for the Southern District of New York, found Respondent to be guilty of conspiracy to dispense and distribute Schedule II and Schedule IV controlled substances in violation of 21 U.S.C. 846. The Administrator further finds that the imposition of a sentence for the charge of conspiracy was suspended and that Respondent was placed on probation for two years with the special condition that Respondent spend at least two hundred fifty (250) hours on each year of probation in the performance of community service.

The Administrator further finds, based upon the investigative file, that on at least seven occassions, undercover investigators of the Drug Enforcement Administration purchased Schedule II and Schedule IV controlled substances, by way of written prescriptions, from Respondent without the benefit of physical examination or for approved medical purposes.

The Administrator further finds, upon a thorough review of the investigative file and the written statement filed by Respondent, that the public interest would be served if Respondent is permitted to administer or order the administration of controlled substances in the course of his professional practice while employed by the Creedmoor Psychiatric Center located in Queens Village, New York; it being a facility that is duly registered under the Controlled Substances Act. The Administrator also finds that there is no legal or regulatory impediment in Respondent being so employed, conditioned that Respondent remain licensed to practice medicine in the State of New York. It is noted that 21 CFR 1301.76(a) provides that "a registrant shall not employ as an agent or employee who has access to controlled substances any person who has had . . . his registration revoked, at any time." In order that Dr. Park may be employed at the Creedmoor Psychiatric Center, the Administrator hereby waives the prohibition of 21 CFR 1301.76(a) with respect to the employment of Nam Jin Park, M.D. as a staff psychiatrist at the Creedmore Psychiatric Center.

Based upon his review of the entire investigative file and the written statement from Respondent, the Administrator concludes that there are lawful grounds for the revocation of Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(2). It is the decision of the Administrator of the Drug Enforcement Administration to revoke Respondent's DEA registration for reason that Nam Jin Park was found guilty of a felony relating to controlled substances. Accordingly, pursuant to the authority vested in the Attorney General in 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the Certificate of Registration AP7277862, previously issued to Nam Jin Park, M.D., be, and is hereby, revoked, effective December 10, 1980.

Dated: November 4, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 35010 Filed 11-7-80; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Music Panel (Chorus Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Panel (Chorus Section) to the National Council on the Arts will be held November 5-9, 1980, from 9:00 a.m.-5:30 p.m. in room 1426, Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

A portion of this meeting will be open to the public on November 5, 1980, from 9:00 a.m.-11:00 a.m. and November 9, 1980, from 9:00 a.m.-11:00 a.m. to discuss policy and guidelines.

The remaining sessions of this meeting on November 5, 1980 from 11:00 a.m. to 5:30 p.m., November 6, 1980 from 9:00 a.m.-5:50 p.m., November 7, 1980 from 9:00 a.m.-5:30 p.m., and November 8, 1980, from 11:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. 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.

November 3, 1980.

[FR Doc. 80-35013 Filed 11-7-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Spent Fuel Pool Expansion Docket No. 50-155 OLA]

Reconstitution of Atomic Safety and Licensing Appeal Board; Consumer Power Company (Big Rock Point Nuclear Plant)

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this spent fuel proceeding to consist of the following members:

Thomas S. Moore, Chairman
Dr. John H. Buck
Christine N. Kohl

Dated November 3, 1980.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 80-34986 Filed 11-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-2623-OLA; Amdt. to Materials License SNM-1773]

Reconstitution of Atomic Safety and Licensing Appeal Board; Duke Power Company (Oconee/McGuire)

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this materials license amendment proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Richard S. Salzman

Dated November 3, 1980.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 80-34987 Filed 11-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Reconstitution of Atomic Safety and Licensing Appeal Board; Public Service Electric & Gas Co., et al. (Salem Nuclear Generating Station, Unit No. 1) (Proposed Issuance of Amendment to Facility Operating License No. DPR-70)

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this spent fuel proceeding to consist of the following members:

Christine N. Kohl, Chairman
Dr. W. Reed Johnson
Thomas S. Moore

Dated November 3, 1980.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 80-34988 Filed 11-7-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Babcock and Wilcox Water Reactors; Change of Meeting Date

The ACRS Subcommittee meeting on Babcock and Wilcox Water Reactors scheduled to be held November 12 has been rescheduled to be held on December 18, 1980. All items remain the same as published in the **Federal Register** on October 16, (45 FR 68817).

Additional information regarding this meeting may be obtained by a prepaid telephone call to the Designated Federal Employee, Mr. John C. McKinley, (telephone 303/634-3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 5, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-34991 Filed 11-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Company et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment adds a condition to the license requiring implementation of a secondary water chemistry monitoring program to inhibit steam generator tube degradation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 2, 1980, (2) Amendment No. 51 to License No. NPF-1 and (3) the Commission's related letters dated August 1, 1979 and October 28, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of October, 1980.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 80-34989 Filed 11-7-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the city of Eugene, Oregon, and Pacific Power & Light Company (the licensees), which revised the Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment revises the corporate (off-site) organization for support of the Trojan Nuclear Plant by placing all nuclear support activities in a single corporate division.

The application for the amendment complies with the standards and requirements of the Atomic energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commissionn has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 30, 1980 (2) Amendment No. 52 to License No. NPF–1 and (3) the Commission's related letter evaluation dated October, 28, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request address to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of October 1980.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 80-34990 Filed 11-7-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

November 5, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available):

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

Revisions

• Economic Development Administration

Application for financial assistance private sector

Investments, loans and guarantees (employment plan addendum)

ED–201

On occasion

Businesses or other institutions for profit business firms

SIC: Multiple

Small businesses or organizations

Area and regional development 300 responses; 51,000 hours, 1 form

William T. Adams, 395–4814

Purpose is to make Federal Economic Development programs work better by linking them with employment and training programs. The addendum will produce an employment plan that assures EDA-created jobs are made available to the long-term unemployed.

• Bureau of the Census

Internal combustion engines (except aircraft and nondiesel automotive)

MA–35L

Annually

Businesses or other institutions

Manufacturers of internal combustion engines

SIC: 351

Small businesses or organizations

Other advancement and regulations of commerce; 65 responses; 65 hours; $3,315,000 Federal cost, 1 form

Off. of Federal Statistical Policy and Standard, 673–7974

This survey was begun in 1943 to provide data on production and

shipments of internal combustion engines. Government agencies use the data for trade analysis, measurement, and forecasting. Business firms and trade associations use the data for market share analysis and long-term planning.

Extensions (Burden Change)

• International Trade Administration
Overseas business interest questionnaire
ITA-471P
On occasion
Businesses or other institutions
U.S. plan. to partic. in 1 or more est. 30 doc. trd.ms.
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce; 1,000 responses; 500 hours; $630 Federal cost, 1 form
William T. Adams, 395-4814
An essential form used in the procurement process for all commerce-sponsored specialized trade and seminar missions. Each trade mission member voluntarily provides detailed information on the products and needs of the company for participation in the event.

• Bureau of the Census
Steel power boilers
MA-34G
Annually
Businesses or other institutions
Manufacturers of steel power boilers
SIC: 344
Small businesses or organizations
Other advancement and regulation of commerce; 37 responses, 19 hours; $3,315,000 Federal cost, 1 form.
Off. of Federal Statistical Policy & Standard, 673-7974
This survey was begun in 1919 to provide measures of manufacturers' shipments of steel power boilers. The data are used by Government agencies, business firms, trade associations, and private research and consulting organizations to analyze and forecast changes in the industry and to determine individual market share.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—633-9464.

• Economic Regulatory Administration
Municipal waste reprocessing demonstration facilities program: evaluation, assessment, and reporting guidelines
CS-489R-A
Quarterly
State or local governments
Municipalities
SIC: 919
Multiple functions, 24 responses, 384 hours; $3,000 Federal cost, 1 form
Jefferson B. Hill, 395-7340
The CS-489R-A is a semi-annual report to be filed by the municipalities participating in the municipal waste reprocessing demonstration facilities program. The data will be used to document and evaluate demonstration facility performance.

• Federal Energy Regulatory Commission
Coordinated regional bulk power supply program report
ERA-411
Annually
Businesses or other institutions
Regional electric reliability councils and electric util.
SIC: 491 869
Energy information, policy, and regulation, 638 responses, 26,981 hours; $19,000 Federal cost, 1 form
Jefferson B. Hill, 395-7340
The data are used by the economic regulatory administration for evaluating national bulk power supply reliability.

Revisions

• Conservation and solar energy
Coal production report
EIA-7A
Annually
Businesses or other institutions
All coal producers
SIC: 111 121
• Energy information, policy, and regulation
7,000 responses; 5,166 hours; $230,000 Federal cost; 1 form

Jefferson B. Hill, 395-7340

This annual form collects information on bituminous coal and lignite production, mine operation productivity, and stocks. The data collected will be used in this compilation of aggregated statistical reports which provide needed information to the interested public and which will assist the Department of Energy in monitoring the coal industry. Performing coal related analyses and developing energy policy.

• Economic Regulatory Administration,
Subcontractor survey,
CS-476,
Annually,
Businesses or other institutions,
Prime contractors of the Office of Solar Energy,
SIC: multiple,
Energy information, policy, and regulation, 440 responses; 880 hours; $60,500 Federal cost; 1 form
Jefferson B. Hill, 395-7340
The CS-476 will be used annually to help determine the amount of CS Office of Solar Energy dollars actually received by small, disadvantaged, and women-owned firms, as well as the amounts received by large businesses, universities, etc. through first and second level subcontracting.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—245-7488

New

• National Institutes of Health,
NHLBI twin study follow-up examination
NIH-2455 series,
Nonrecurring,
Individuals or households,
Male veteran twins examined ten years earlier
Health, 8,800. responses; 1,760 hours; $834,000 Federal cost; 11 forms
Richard Eisinger, 395-6880
This Data Collection is follow-up medical examination of a group of male twins examined ten years earlier. Data collection should start October 1980 and end by March 1982. Data will be used to assess genetic versus environmental influences on the risk of cardiovascular diseases.

• Alcohol, Drug Abuse, and Mental Health Administration
The NIMH epidemiologic catchment area program interview of institutionalized sample
Nonrecurring
Individuals or households
Persons who are institutionalized
Health, 400 responses, 600 hours; $175,000 Federal cost, 1 form
Richard Eisinger, 395-6880
This project will provide basic psychiatric epidemiologic data on incidence and prevalence of mental disorders, and to assess the relationship between psychiatric disorders in the community and the use of psychiatric and general health facilities.

• National Institutes of Health
Honolulu Hearth Program
NIH-2455 series
Nonrecurring
Individuals or households
Honolulu heart program "lipoprotein cohort"
Health, 3,450 responses, 1,112 hours; $370,600 Federal cost, 4 forms,
Richard Eisinger, 395-6880
Re-examination of a cohort of American men of Japanese ancestry, first examined in 1965, to obtain

correlations among diet, lipoprotein fractions, and risk of heart disease, stroke and cancer.

• Center for Disease Control,
Questionnaires for participants in parent sex education courses,
Nonrecurring,
Individuals or households,
Participants in parent sex education courses,
Health, 3,000 responses, 880 hours; $70,000 Federal cost, 4 forms,
Richard Eisinger, 395–6880
Parent sex education programs will be conducted at nine sites. The purpose of this project is to evaluate the implemented curriculum carefully and comprehensively. Will begin as soon as cleared, data collected will last about eight months.

Revisions

• Social Security Administration,
Representative payee report
SSA–623
Annually
Individuals or households
Individuals who serve as payee for beneficiary
General retirement and disability insurance, 200,000 responses, 66,667 hours; $1,348,000 Federal cost, 1 form
Barbara F. Young, 395–6880
Sections 205 (a) and (j) of the Social Security Act provide for payment of social security benefits to a relative or some other person when in the best interest of the beneficiary. This form is used to determine a payee's continuing suitability to receive a beneficiary's payment when there has been some indication that misuse of benefits may have occurred.

• Social Security Administration,
Statement of institution or social agency
SSA–1255
On occasion
Businesses or other institutions
Institutions or social agencies in which a beneficiary resides
Small businesses or organizations
General retirement and disability insurance, 10,000 responses, 833 hours; $94,100 Federal cost, 1 form
Barbara F. Young, 395–6880
Sections 205 (a) and (j) of the Social Security Act provide for the certification of payment of a social security beneficiary's payments to a relative or some other person when it appears that to do so would serve the best interest of the beneficiary. The information is used to verify a representative payee's accounting for use of social security benefit payments. It also elicits information about the representative payee's interest in the welfare of the beneficiary.

• Social Security Administration
Representative payee report
SSA–624
On occasion
Businesses or other institutions
Agencies or institutions serving as payee for beneficiary
General retirement and disability insurance, 60,000 responses, 20,000 hours; $404,400 Federal cost, 1 form
Barbara F. Young, 395–6880
Section 205 (a) and (j) of the Social Security Act provide for payment of social security benefits to a relative or some other person when in the best interest of the beneficiary. This form is used to account for the use of social security payments certain institutional representative payees receive on behalf of that beneficiary.

• Social Security Administration
Application to be selected as payee
SSA–11–F6
On occasion
Individuals or households
Individuals who wish to receive social security or social security insurance benefits, child or adult benefits
General retirement and disability insurance, 600,000 responses, 100,000 hours; $61,452,000 Federal cost, 1 form
Barbara F. Young, 395–6880
This form is needed in order for a determination to be made regarding the suitability of a payee for a social security beneficiary who is determined to be incapable of handling his own funds. Our procedures require that the payee applicant must submit evidence to establish his relationship to, or his responsibility for the care of, the beneficiary. In order for a determination to be made on the suitability of a payee.

• Health Care Financing Administration
Home health agency statement of reimbursable cost
HCFA 1728 and 1728 A, B, C, D
Annually
Businesses or other institutions
Free Stand. Home Health Agenc Partic Under Medicare Prog.
SIC: 808
Small businesses or organizations, health, 2,800 responses, 112,000 hours; $2,720,000 Federal cost, 22 forms
Richard Eisinger, 395–6880
This information is needed for determining the amount of reimbursable cost, incorporating the provisions of recent legislation and regulatory change in the medicare program regarding cost apportionment.

Reinstatements

• Food and Drug Administration
Quick response surveys III (QRS)
Nonrecurring
Individuals or households
Probability samp. of adults in tel. households in U.S.
Consumer and occupational health and safety, 1 responses, 1 hours; $30,000 Federal cost, 1 form
Richard Eisinger, 395–6880
Information is often needed on a rapid turn-around basis from adult consumers in order for the agency to take quick action to protect the public health. The mechanism permits flexibility in terms of sample size, and geographical area as each survey subject matter dictates.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

New

• Community Planning and Development
CDBG Indian Program Housing Assistance Plan
HUD–4329
Annually
State or local government
Indian and Alaskan Tribal Governments
SIC: 911
Community development, 300 responses, 6,000 hours; $6,000 Federal cost, 1 form
Richard Sheppard, 395–6880
Material will be used by HUD field staff during the full application review process to evaluate the applicant's housing need. HAP goals and strategies will be used to determine housing assistance to be delivered. After the first year, the HAP will be used to determine positive steps achieved toward meeting housing goals. The HAP form is part of the application form used annually to apply for community development block grant funds and its content changed from year to year.

Revisions

• Housing programs
Previous participation certificate
HUD 2530
On occasion
Individuals or households, businesses or other institutions, owners and managers (651), consultants (739), and general contractors (152) SIC: 651 739 152
Small businesses or organizations
Mortgage credit and thrift insurance, 9,000 responses, 5,400 hours; $1,500,000 Federal cost, 1 form
Richard Sheppard, 395–6880
HUD/FMHA will use this certification/report to evaluate the feasibility of

applications for multifamily housing projects with respect to the previous track records of applicants as: Owners, managers, consultants and general contractors.

Reinstatements

• Housing Programs
Development program of public housing agency
Development cost budget/cost statement
HUD 52483 and HUD 52484
On occasion
State or local governments
Public housing agencies SIC: 953
Public assistance and other income supplements, 500 responses, 1,000 hours; $86,020 Federal costs, 2 forms
Richard Sheppard, 395–6880
Authority for this report is title II, Housing and Community Development Act of 1974 (PL 93–383, 88 stat 633. Submitted by public housing agency requesting approval of financial assistance. Needed by HUD to obtain data upon which to develop a determination of financial feasibility, administration capability and cost data.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6191

New

• Bureau of Mines
Flotation plant information 1980
6–1171–X
Other—See SF83
Businesses or other institutions
Operators of flotation plants SIC: 101 102 103 104 105 106 109 121
Small businesses or organizations
Other natural resources, 350 responses, 700 hours; $17,000 Federal cost, 1 form
Erika Jones, 395–7340
The data is needed to fill a gap in metallurgical data and supply metallurgical guidance for both government and industry technical personnel. The data obtained from the survey will be used by government, educational institutions, research organizations, industry and the public.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

Reinstatements

• Immigration and Naturalization Service
Petition classify orphan as an immediate relative
I–600
Nonrecurring
Individuals or households
Alien orphan petitioners SIC: 919
Federal law enforcement activities, 6,000 responses, 3,000 hours; $210,000 Federal cost, 1 form
Andy Uscher, 395–4814
Information used to determine eligibility of orphan to be classified as immediate relative as specified in section 201(b) of the I&N Act, 8 U.S.C. 1151(b).

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

Reinstatements

• Departmental Management
Fabricated steel survey
ILAB 256
Quarterly
Businesses or other institutions
Contractors and/or Subcontractors SIC: 344
Other labor services, 1,000 responses, 750 hours; $64,375 Federal cost, 1 form
Arnold Strasser, 395–6880
Data and information needed to assist policymakers in determining the magnitude of imports of fabricated steel currently exempted from the "trigger price" mechanism and for adjustment assistance determinations.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—426–1887

Revisions

• Federal Aviation Administration
Aircraft registration application, aircraft bill of sale certificate of repossession of encumbered aircraft and flight hours for corporations not U.S. citizens—FAR 47 AC 8050–1, 2, and 4 AC 8050–117
On occasion semiannually
Individuals or households/State or local governments/farms/businesses or other institutions
Any individuals, States or local government farm, or business that owns, reg AC
Sic: All
Small businesses or organizations
Air transportation, 169,800 responses, 85,050 hours; $120,000 Federal cost, 1 form
Corrinne Hayward, 395–7340
Federal Aviation Act of 1958, section 501 (49 USC 1401) requires registration of aircraft. 14 CFR 47 prescribes requirements for registration. Information collected is used to determine proof of ownership and eligibility of applicant.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—634–2179

Extensions (Burden Change)

• United States Customs Service
Declaration of owner
Customs 3347 and 3347–A
On occasion
Businesses or other institutions
Customhouse brokers
Sic: All
Small businesses or organizations
Federal law enforcement activities, 6,600 responses, 550 hours; $7,234 Federal cost, 2 forms
Warren Topelius, 395–7340
Documents to allow an agent to submit, subsequent to making entry, the declaration of the consignee which is required by statute. And, to permit a nominal consignee to file the declaration of the actual owner and be relieved of statutory liability for the payment of increased duties.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—287–0754

New

• Web coating and laminating questionnaire
Nonrecurring
Businesses or other institutions
Industrial coaters of fabrics, paper, plastic film or metallic foil
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 1,475 responses, 4,425 hours; $76,785 Federal cost, 1 form
Edward H. Clarke, 395–7340
Fabric, paper, film and foil coaters will be surveyed to determine volatile organic compound emissions. This data will be used to rank these industries for new source performance standard development. This study should start in November, 1980, and end in March, 1981.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2146

New

• Veterans application for assistance in acquiring special housing adaptations
26–4555D
On occasion
Individuals or households
Disabled veterans
Veterans housing, 1,000 responses, 333 hours; $5,745 Federal cost, 1 form
Laverne V. Collins, 395–6880
Completed for blinded veterans or veterans who have lost, or lost the use

of, O as authorized by 38 U.S.C. 801(B) for acquiring adaptations to veterans' homes.

Extensions (No Change)

• Request for estate information
FL27439
On occasion
Businesses or other institutions/individuals or households/estate holders
Sic: 602 811
Small businesses or organizations
Other veterans benefits and services, 24,000 responses, 4,000 hours; $2,651 Federal cost, 1 form
Laverne V. Collins, 395–6880
When an incompetent veteran without spouse or dependent child is institutionalized at government expense, and his or her estate equals or exceeds $1,500, VA payments must be discontinued (38 U.S.C. 3203(B)(1). Use of this form letter is the least expensive method (for both the VA and the public) of collecting this estate data.

Reinstatements

• Evaluation of domiciliary program, Wood, WI
Nonrecurring
Individuals or households
Patients/members of the original and domiciliary at Wood, WI VA MC
Hospital and medical care for veterans, 200 responses, 325 hours; $18,500 Federal cost, 1 form
Laverne V. Collins, 395–6880
Needed to provide information about the effect of relocation on domiciliary patient members who did or did not move to a new facility. The data will be used to evaluate the impact of new construction and to study areas in which change might be expected in other domiciliaries. OMB approval was for testing feasibility of instruments.

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523–0267

Reinstatements

• Producers and importers questionnaires—brooms
332–97
Annually
Businesses or other institutions
Known producers of brooms and whiskbrooms of broomcorn and other
Sic: 399
Small businesses or organizations
Conduct of foreign affairs, 200 responses, 400 hours; $68,370 Federal cost, 1 form
Phillip T. Balazs, 395–4814
Pursuant to section 332 of the Tariff Act of 1930, the U.S.I.T.C. is required to periodically provide current statistical information on the broom industry to the president. This data is used to monitor the impact of imports of the industry and/or assess the impact of tariff relief previously granted to broom producers.

C. Louis Kincannon,

Deputy Assistant Director For Reports Management.

[FR Doc. 80-34983 Filed 11-7-80; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11425; 812-4718]

Family Life Insurance Co., Merrill Lynch Variable Annuity Account and Merrill Lynch, Pierce, Fenner & Smith Inc.; Applications

Notice of filing of application for an order pursuant to section 6(c) of the Act granting exemptions from sections 2(a)(32), 2(a)(35), 12(d)(1), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and rule 22c–1 thereunder and pursuant to section 11 of the Act approving certain offers of exchange.

November 4, 1980.

Notice is hereby given that Family Life Insurance Company ("FLIC"), a stock life and disability insurance company organized under the laws of the State of Washington, Merrill Lynch Variable Annuity Account (the "Account") Park Place, Seattle, WA 98101, a separate account of FLIC registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("MLPF&S") One Liberty Plaza, New York, NY 10080, the principal underwriter for the Account, (collectively referred to herein as "Applcants") filed an application on August 25, 1980, and amendments thereto on September 25, October 14, and October 30 1980, for an order of the Commission pursuant to Section 6(c) of the Act granting exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 12(d)(1), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder and pursuant to Section 11 of the Act approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

FLIC, a wholly-owned subsidiary of Merrill Lynch & Company, Inc., a diversified financial services holding company organized in 1973, established the Account on July 21, 1980 for the purpose of funding certain variable annuity contracts to be issued by FLIC ("Contracts"). Assets of the Account will be invested in shares of Merrill Lynch Corporate Bond Fund, Inc., Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Special Value Fund, Inc., Merrill Lynch Ready Assets Trust, and Merrill Lynch Capital Fund, Inc., all of which are diversified open-end management companies registered under the Act. Merrill Lynch Corporate Bond Fund is a series company with three separate portfolios, and assets of the Account will be invested in shares of each such portfolio. (The above-named Funds and the separate portfolios of the Corporate Bond Fund are referred to herein as the "Funds"). The investment advisers of the Funds are direct or indirect wholly-owned subsidiaries of Merrill Lynch & Company, Inc. MLPF&S, which is the principal underwriter of the Contracts, is also a subsidiary of Merrill Lynch & Company, Inc., and a broker-dealer registered under the Securities Exchange Act of 1934.

The Contracts funded through the Account are individual deferred variable annuity contracts designed for use in connection with retirement plans meeting the requirements of Sections 401, 403(a), 404, or 408 of the Internal Revenue Code of 1954 ("qualified plans") or plans not entitled to special income tax treatment under such or comparable provisions of the Code ("non-qualified plans"). The contract owner may allocate all or a portion of each purchase payment among one or more sub-accounts of the Account for investment in shares of one or more of the Funds (or portfolios of the Corporate Bond Fund) selected by the owner. With respect to each Fund (or porfolio of the Corporate Bond Fund) the Account will be divided into one sub-account for qualified plans and one sub-account for non-qualified plans. Upon notice to FLIC, the contract owner may transfer all or part of the contract value from one sub-account to another. However, no transfer may be made within six months of the date of issue of the Contract, and all transfers must be at least six months apart. Such sub-account transfers, as well as all other investments, are also subject to any applicable limits and rules established by each of the affected Funds.

Applicants state that under the Contracts no sales charges will be deducted from purchase payments as they are made. Instead, a contingent deferred sales charge will be assessed in

some circumstances in the event of a full or partial withdrawal of the net contract value. The contingent deferred sales charge made at withdrawal will be the lesser of (i) 5% of the total purchase payments made within 7 years prior to the date of withdrawal, or (ii) 5% of the amount withdrawn. The cumulative total of all contingent deferred sales charges made within 7 years prior to the date of withdrawal will never exceed 5% of the total purchase payments made during the same period. No charge will be made for such part of the first withdrawal in any contract year as does not exceed 10% of the sum of all purchase payments made more than one year prior to the date of withdrawal. The contingent deferred sales charge may be reduced when sales of Contracts are made to a trustee, employer or similar party pursuant to a retirement plan or similar arrangement for sales of Contracts to a group of individuals if such program results in a savings of sales expenses. Any such reduction will not be unfairly discriminatory to any contract owner.

Other charges under the Contracts include a contract administration charge of $30 which FLIC deducts from the value of each Contract on each contract anniversary on or prior to the annuity date. Such charge will also be deducted upon the withdrawal in full of the contract value on any date other than a contract anniversary. The contract administration charge is designed only to reimburse FLIC for administration expenses on a cumulative basis. In addition, FLIC will assess an expense risk charge and a mortality risk premium which on an annual basis will equal 0.5% and 0.8%, respectively, of the daily net asset value of the Account. Finally, any premium taxes imposed by a state or other government entity will be deducted from the contract value at the annuity date.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants state that the contingent deferred sales charge is not within the definition of sales load set forth in Section 2(a)(35), since it is not deducted from the payment received from the contract owner. However, Applicants assert that the charge is designed to cover precisely those expenses to which the definition of sales load relates and if treated as such would be subject to certain provisions of Section 27 of the Act. Accordingly, Applicants have requested an exemption from Section 2(a)(35) to avoid any question as to the consistency of the proposed contingent deferred sales charge with the loading pattern contemplated by Sections 2(a)(35) and 27.

Applicants state that although FLIC will make no deduction from purchase payments for sales charges, it will incur expenses relating to the sale of the Contracts under which such payments are made, including commissions paid to sales personnel, costs of advertising and sales promotion, costs of the prospectus allocable to new sales and sales administration. Applicants state further that the contingent deferred sales charge, if applicable, will be assessed by FLIC to reimburse it solely for expenses relating to the sale of the Contracts, and that but for the timing of its imposition, the charge for these expenses fits squarely within the Section 2(a)(35) definition of "sales load." Applicants assert that deferring the sales charge and making it contingent upon the occurrence of an event which may never occur do not alter the basic nature of the charge which remains in all other respects a sales load. Applicants maintain that the sales charge provisions of the Contracts are to the advantage of contract owners in that the assessment of a contingent deferred sales charge will permit the entire purchase payment to be allocated to the Account for investment in shares of the Funds and if the contract owner makes no withdrawals, has made no purchase payments for 7 years, or makes only one withdrawal in any contract year which does not exceed 10% of the sum of all purchase payments made more than one year prior to the date of withdrawal, all purchase payments under the Contract will be completely free of any sales charge. Finally, Applicants state that the charge is clearly within the amount permitted by Section 27(a)(1) of the Act, since the cumulative total of all contingent deferred sales charges cannot exceed 5% of the total purchase payments made.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act defines a "redeemable security" as any security under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate at any time within the first eighteen months after its issuance and receive the value of his account and any amount paid for sales loading in excess of 15 percent of the gross payments made on such certificate. Applicants submit that the imposition of the contingent deferred sales charge is not inconsistent with the requirements of either Sections 2(a)(32) or 27(d) that the holder of a periodic payment plan certificate receive his proportionate share of the issuer's current net assets or his account value, respectively. However, in order to avoid any question as to the applicability of such sections, Applicants have requested an exemption from the definition of redeemable security in Section 2(a)(32) and from the requirements of Section 27(d) to the extent necessary to permit Applicants to offer the Contracts with the proposed contingent deferred sales charge.

Applicants assert that under the Contracts the contract owner's proportionate share or account value could be viewed as the gross purchase payments made, plus or minus any increase or decrease in value, less the contingent deferred sales charge and that the difference between the loading pattern contemplated by Sections 2(a)(32) and 27(d) and that proposed for the Contracts is limited to deferring the assessment of the sales charge. Applicants state that deferring the imposition of the sales charge does not prevent the contract owner from receiving as his proportionate share of the issuer's current net assets or the value of his account the amount he would otherwise receive on withdrawal or redemption. Applicants maintain that the contingent deferred sales charge is merely deducted at the time of withdrawal in determining the proportionate share or account value, rather that being deducted from purchase payments. Applicants contend that the contingent deferred sales charge defers the timing of the imposition of the sales charge and makes the charge contingent on the occurrence of an event which might never occur. Finally, Applicants state that this method of assessing sales charges permits the contract owner's net amount invested to be increased and, in certain circumstances, may result in no sales charge being assessed, thereby benefiting the the contract owner.

Section 22(c) and Rule 22c–1

Section 22(c) of the Act and Rule 22c–1 thereunder prohibit a registered investment company issuing a redeemable security from selling,

redeeming or repurchasing any such security except at a price based on the current net asset value of such security. Applicants submit that the contingent deferred sales charge is not violative of Section 22(c) or Rule 22c–1 thereunder. However, in order to avoid any question as to the applicability of the Section and Rule, Applicants have requested an exemption therefrom to the extent necessary to permit Applicants to offer the Contracts with the proposed contingent deferred sales charge.

Applicants state that the value at which a full or partial withdrawal under a Contract is effected will be based on the current net asset value and that the contingent deferred sales charge will merely be deducted at the time of withdrawal in determining the payment to which the contract owner is entitled or the reduction in the contract value resulting from the withdrawal.

Section 27(c)(1)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or any depositor of or underwriter for such company, to sell any such certificate unless it is a redeemable security. Applicants state that they do not believe that the imposition of a contingent deferred sales charge in connection with certain withdrawals, which will be fully disclosed in the prospectus relating to the Contracts, restricts the redeemability of the Contracts for purposes of Section 27(c)(1). Applicants contend that a view to the contrary would be especially difficult to maintain if the relief requested from the definition of redeemable security in Section 2(a)(32) should be granted. However, in order to avoid any question as to the applicability of Section 27(c)(1), Applicants have requested an exemption from the provisions of Section 27(c)(1) to the extent necessary to permit Applicants to offer the Contracts on the terms proposed.

Applicants assert that the Contracts are clearly redeemable securities, whether the sales charge is deducted from purchase payments at the time of purchase, or whether such charge is deferred and made contingent upon an event which may or may not occur at a later time during the contract period. Applicants state that this is particularly true where, as here, the deferral of the contingent deferred sales charge until a withdrawal is effected has the general effect of increasing the contract value in comparison with the contract value that would result were the sales charge deducted from purchase payments prior to investment.

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2) of the Act, as here pertinent, prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust, (ii) shall not resign until the trust has been liquidated or a successor has been appointed, (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and reimbursement of expenses incurred as are provided for in the agreement, and (iv) shall not be allowed as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

Applicants have requested an exemption from the provisions of Sections 27(c)(2) and 26(a)(2)(C) to the extent necessary to permit them to offer the Contract with the proposed contingent deferred sales charge. Applicants state that the proposed sales charge is not inconsistent with the purposes of Sections 27(c)(2) and 26(a), which were not intended to prevent the depositor of a unit investment trust from imposing a sales load in connection with the sale of the trust's securitites. Applicants observe that Section 27(c)(2) specifically excepts sales load deductions from the requirement that the proceeds be deposited with a trustee or custodian and assert that deferring the sales charge and making it contingent upon an event which may never occur do not change the basic nature of the charge as a sales load within the contemplation of Section 27(c)(2). Applicants contend that the contingent deferred sales charge should not be deemed to be the type of charge the payment of which would be disallowed as an expense to a trustee or custodian, since the charge is intended specifically to reimburse Applicants for sales-related expenses.

Applicants have also requested an exemption from the provisions of Sections 27(c)(2) and 26(a) to permit purchase payments under the Contracts to be held by FLIC or its agent rather than by a bank as custodian or trustee pursuant to an agreement meeting the requirements of Section 26(a). Applicants state that as a life insurance company, FLIC must retain ownership of the Account's assets and therefore may not convey them to another in trust and that there appears to be little or no necessity for requiring a bank trustee or custodian in the context of an established insurance company offering variable annuity contracts through a separate account registered as a unit investment trust. Applicants represent that FLIC is subject to extensive supervision and regulation by the Washington Insurance Department and is also subject to the insurance laws and regulations of other states and jurisdictions in which it is licensed to operate. Applicants state that the supervision and inspection to which FLIC is subject are applicable to the Account so as to afford protection to variable annuity contract owners and provide assurance of FLIC's performance of its obligations to such owners. In addition, Applicants assert that all obligations under FLIC's variable annuity contracts will be general obligations of FLIC which may not be abrogated and that the assets and retained earnings of FLIC provide ample assurance of its financial ability to meet its obligations under such contracts. Finally, Applicants state that it is contemplated that the Fund shares issued to the Account will be held pursuant to an open account system and will not be represented by any transferable stock certificates which might require a trusteeship or custodianship for safekeeping purposes.

Applicants assert that the contingent deferred sales charge will cover, at most, sales expenses incurred by FLIC only with respect to the Contract under which the charge is made and that sales expenses incurred with respect to Contracts which do not terminate prematurely will initially be provided for out of FLIC's surplus. Applicants state that FLIC expects that the level of contract sales should be sufficient to generate profits adequate to compensate for sales expenses not recovered through the contingent deferred sales charge and that such profits will be attributable principally to the mortality risk premium and expense risk charge. Applicants indicate that the grant of the requested relief will permit FLIC to assess a mortality risk premium and expense risk charge, which would otherwise be precluded by Section 26(a). They also acknowledge the Commission's concern as to the propriety of investment companies bearing distribution expenses. However,

Applicants assert that no specific factor was included in establishing the level of the mortality risk premium and expense risk charge for the purpose of recovering sales expenses in excess of contingent deferred sales charge revenues. Applicants also represent that even if FLIC realizes no profit in respect of the Contracts it will still have incurred sales expenses not recovered through the contingent deferred sales charge, for which expenses no reimbursement from contract owners may be obtained. Finally, Applicants submit that the contract charges are consistent with industry practice and that an additional sales charge would not be in the best interest of contract owners.

Applicants have consented to the requested exemption being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 12(d)(1)

Section 12(d)(1)(A) of the Act makes it unlawful for a registered investment company (the "acquiring company") to acquire any security issued by any other investment company (the "acquired company") if, after such acquisition, (i) the acquiring company, alone or together with other companies controlled by it, owns more than three percent of the total outstanding voting stock of the acquired company; (ii) more than five percent of the value of the acquiring company's assets consists of securities of the acquired company, or (iii) more than ten percent of the value of the acquiring company's assets consists of securities issued by the acquired company and other investment companies. Section 12(d)(1)(B) makes it unlawful for a registered open-end investment company (the "acquired company") or its principal underwriter knowingly to dispose of any security issued by the acquiring company to any other investment company (the "acquiring company") if, immediately after such disposition, more than (i) three percent of the total outstanding voting stock of the acquired company is owned by the acquiring company and any companies controlled by it; or (ii) ten percent of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies or companies controlled by them.

Applicants state that while shares of the Funds are and will continue to be offered directly to the public, shares of the Funds held by the Account will exceed the percentage limitation set forth in Section 12(d)(1)(A)(iii) and may exceed the other percentage limitations set forth in Sections 12(d)(1) (A) and (B). Applicants suggest that subsection (E) of Section 12(d)(1) may make it unnecessary for them to seek an exemption from Section 12(d)(1) since subsection (E) provides that the provisions of Section 12(d)(1) do not apply if (i) the principal underwriter for the investment company is a broker or dealer registered under the Securities Exchange Act of 1934, and (ii) the securities are the only investment securities held by a registered unit investment trust that issues two or more classes or series or securities, each of which provides for the accumulation of shares of a different investment company. Applicants indicate that they may satisfy the conditions of subsection (E), but in order to avoid any question concerning the scope of relief afforded by subsection (E) they have requested an exemption from the provisions of Section 12(d)(1) to the extent necessary to permit the Account to invest shares of the Funds without regard to the limitations of Sections 12(d)(1) (A) and (B).

Applicants contend that the proposed arrangement does not appear to present the type of abuse or danger against which Section 12(d)(1) was intended to guard. They state that the section was apparently intended to prevent the "pyramiding" of investment companies and that it is not their intent to "pyramid" but merely to grant to their customers and prospective customers flexibility in the choice of investment funds.

Section 11

Section 11(a) of the Act makes it unlawful for a registered open-end investment company, or its principal underwriter, to offer securities of an investment company in exchange for other securities of the same or another investment company unless the exchange either is based on the respective net asset values of the securities or has received prior approval of the Commission. Section 11(c) provides that in the case of a unit investment trust the prohibition of Section 11(a) is applicable regardless of the basis of the exchange. Applicants submit that the proposed transfers of contract value from one sub-account of the Account to another are not prohibited by Section 11. However, in order to avoid any question in this regard, Applicants have requested an order pursuant to Section 11 approving the transfer provisions described above.

Applicants state that the apparent purpose of Section 11 is to protect investors against unfair exchange offers. Applicants assert that since the transfer privilege under the Contracts will be based on the respective net asset values of the shares of the underlying Funds and no charges will be imposed on exercise of the privilge, the investor is assured that the arrangement is fair. Applicants contend that variable annuity contracts are normally purchased as long term investments and that a transfer privilege is in the best interest of contract owners by facilitating their periodic reevaluation and adjustment of investment objectives.

Section 6(c)

Section 6(c) of the Act provides in pertinent part that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes thereof, from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 28, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed

contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 28, 1980 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–35046 Filed 11–7–80; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 4, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Permian Basin Royalty Trust—Shares of Beneficial Interest (File No. 7–5775).

San Juan Basin Royalty Trust—Shares of Beneficial Interest (File No. 7–5776).

The West Company, Inc.—Common Stock, $.25 Par Value (File No. 7–5777).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 26, 1980 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.c. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–35047 Filed 11–7–80; 8:45 am]

BILLING CODE 8010–01

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80–139]

Qualification of Samedan Oil Corporation as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23–7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), Samedan Oil Corporation of Ingleside, Texas, incorporated under the laws of the State of Delaware, did on September 11, 1980 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG–1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on October 22, 1980 issued to Samedan Oil Corporation a certificate of compliance on Form CG–1262, as provided for in 46 CFR 67.23–7. The certificate and any authorization granted thereunder will expire three years from October 22, 1980 unless there first occurs a change in the corporation status requiring a report under 46 CFR 67.23–7.

Dated: October 29, 1980.

Henry H. Bell,

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

[FR Doc. 80-35068 Filed 11-7-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

[T.D. 80-270]

Donnkenny, Inc.; Recordation of Trade Name

On August 14, 1980, there was published in the **Federal Register** (45 FR 54173) a notice of application for the recordation under section 42 of the Act of July 15, 1946, as amended (15 U.S.C. 1124), of the trade name DONNKENNY, INC. The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant date, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "DONNKENNY, INC." is hereby recorded as the trade name of Donnkenny, Inc., a corporation organized under the laws of the State of Delaware, located at 1411 Broadway, New York, New York 10018, when applied to women's wearing apparel and sportswear including but not limited to sweaters, skirts, tops, jackets, shirts, jeans and slacks, manufactured in Macau, Korea, Taiwan, Hong Hong, China, and Japan. No foreign firm is authorized to use the trade name.

Dated: November 5, 1980

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 80-34979 Filed 11-7-80; 8:45 am]

BILLING CODE 4810-22-M

[T.D. 80-269]

R.B.K. Importers, Inc.; Recordation of Trade Name

On August 14, 1980, there was published in the **Federal Register** (45 FR 54173) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name R.B.K. IMPORTERS, INC. The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application. The name "R.B.K. IMPORTERS, INC." is hereby recorded as the trade name of R.B.K. Importers, Inc., a corporation organized under the laws of the State of Delaware, located at 940 So. Alameda Street, Los Angeles, California 90021, when applied to women's wearing apparel and sportswear including but not limited to sweaters, skirts, tops, jackets, shirts, jeans, and slacks, manufactured in Macau, Korea, Taiwan, Hong Kong, China, Japan, Italy and Greece. No foreign firms are authorized to use the trade name.

Dated: November 5, 1980.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 80-34978 Filed 11-7-80; 8:45 am]

BILLING CODE 4810-22-M

Internal Revenue Service

[Delegation Order No. 67 (Rev. 14)]

Delegation of Authority; Signing the Commissioner's Name or on His Behalf

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The specific authorization to sign the name of, or on behalf of, W. E. Williams, Acting Commissioner of Internal Revenue. The text of the Delegation Order appears below.

EFFECTIVE DATE: November 1, 1980.

FOR FURTHER INFORMATION CONTACT: Martha M. Seeman, PR:I, 1111 Constitution Ave., NW., Room 3528, Washington, D.C. 20224 (202) 566-4273 (Not a Toll-Free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Martha M. Seeman,

Executive Assistant to Director, Internal Management Documents Division.

Effective 12:01 A.M., November 1, 1980, all outstanding authorizations to sign the name of, or on behalf of, Jerome Kurtz, Commissioner of Internal Revenue, are hereby revised to authorize the signing of the name of, or on behalf of, W. E. Williams, Acting Commissioner of Internal Revenue.

This Order supersedes Delegation Order No. 67 (Rev. 13), issued May 5, 1977.

William E. Williams,

Acting Commissioner.

[FR Doc. 80-35016 Filed 11-7-80; 8:45 am]

BILLING CODE 4830-01-M

[Rev. Proc. 80-46]

Revenue; Administrative, Procedural, and Miscellaneous; Inquiries by Employees of Business Entities

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of issuance of revenue procedure.

SUMMARY: The purpose of this revenue procedure is to enhance the ability of the Internal Revenue Service district offices to respond fully and effectively to inquiries by employees of business entities.

DATE: The effective date will be December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Raymond L. Rizzo, Director, Disclosure Operations Division, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202-566-4263 (not a toll-free call).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury Directive appearing in the **Federal Register** for Wednesday, May 24, 1978.

Section 1. Purpose

The purpose of this revenue procedure is to enhance the ability of the Internal Revenue Service district offices to respond fully and effectively to inquiries by employees of business entities. This procedure is intended to facilitate the resolution of account related questions and does not provide for the furnishing of tax returns to third parties. It has no effect on the Conference and Practice Requirements (26 CFR 601.501 et seq.), technical advice requests or ruling determination letters. Nor does it affect the ability of a taxpayer, or any person acting on behalf of a taxpayer, to contact the Internal Revenue Service by telephone for the purpose of obtaining general information regarding the meaning of a bill, notice, or letter.

Sec. 2. Background

The Internal Revenue Code specifies that confidential tax information with respect to sole proprietorships, partnerships, corporations, estates and trusts may be disclosed to certain persons. The Service is prohibited from disclosing confidential tax information to another person acting on behalf of a taxpayer in the absence of a written authorization from the taxpayer. It is recognized that the limitations on disclosure often cause delays in servicing requests for tax assistance. The restrictions are particularly troublesome for businesses that have a number of employees who need to contact the Service to resolve day to day tax matters. For example, an employee who is not specifically authorized in writing to receive confidential tax information might contact the Service to resolve a tax matter of the business, such as a notice or a bill. In these situations, the Service makes every effort to resolve the issue by discussing it in general terms without disclosing confidential tax information from our records. However, on many occasions, due to the complexity of the business's tax matters, the question cannot be resolved without disclosure of confidential tax information by the Service. Accordingly, the Service will accept letters of authorization, pursuant to the requirements of this revenue procedure, with attached lists specifying employees of business entities who are authorized to receive confidential tax information.

Sec. 3. Persons who may submit a list

.01 A sole proprietor may submit a list.

.02 With respect to a partnership, any partner may submit a list but the scope of the authorization is limited to those tax periods during which he or she is a partner.

.03 Authorization lists may be submitted on behalf of a corporation by the corporate president/chief executive officer or an officer authorized by law to bind the corporation. As an alternative, the list may be submitted by any principal officer if attested to by the secretary or any other officer.

.04 If the business entity is included in an estate, a list may be submitted by the administrator, executor or trustee of the estate.

.05 A trustee may submit an authorization list on behalf of a business entity that is a trust.

.06 In the case of business matters of an incompetent, an authorization list may be submitted by the trustee, guardian or committee for the incompetent.

.07 If substantially all of the property of the business is in the hands of a receiver or trustee in bankruptcy, such persons may submit a list.

Sec. 4. Contents of the Letter of Authorization

.01 The letter of authorization shall:

1. Be dated, provide the employer identification number (EIN) for the entity and reference this revenue procedure;

2. Specify the tax periods and type of tax with respect to which information may be provided;

3. Contain a statement that the listed authorized employees have granted permission for the use of their social security numbers for the purpose of identification;

4. Contain a statement that the taxpayer assumes the responsibility to notify the addressee in writing of any changes to be made to the list;

5. Provide a statement as to the authority of the person to authorize the disclosure of the confidential tax information;

6. Be signed by the appropriate person;

7. Have attached a copy of any appropriate documentation such as an officer's authority contained in a corporate charter, etc. However, documentation is not needed if the authorization is submitted by two corporate officers;

8. Be received by the Service within sixty days of the date it is signed and dated.

.02 The attached list shall set forth the names of the authorized employees in alphabetical order and include their social security numbers for identification purposes.

.03 The following format should be used for authorizations by a president/chief executive officer or an officer authorized by law to bind the corporation:

Corporate Letterhead

(Date)

Disclosure Officer

_____District Office

In accordance with Revenue Procedure 80–46, the employees named in the attached list are authorized to receive return information pertaining to *(name of corporation and employer identification number) [or (name of subsidiary* and employer *identification number)* a subsidiary of *(name of corporation)]* with respect of Form(s) *(941, 1120, etc.),* for tax period(s) _____.

Each of the employees named in the attached list have granted permission for the use of their social security numbers for identity verification purposes prior to receipt of confidential tax information.

(Name of corporation or subsidiary) will notify the addressee in writing of any changes to be made to the list.

I certify that I am the President/Chief Executive Officer or an officer authorized by law to bind *(name of corporation or subsidiary).*

/s/ _____

(Title)

.04 The following format should be used for authorizations signed by a principal corporate officer and attested to by the secretary or another officer:

Corporate Letterhead

(Date)_____.

Disclosure Officer

_____ District Office

In accordance with Revenue Procedure 80–46, the employees named in the attached list are authorized to receive return information pertaining to *(name of corporation and employer identification number) [or name of subsidiary and employer identification number a subsidiary of (name of corporation)]* with respect to *Form(s) (941, 1120 etc.),* for tax period(s) _____.

Each of the employees named in the attached list has granted permission for the use of their social security numbers for identity verification purposes prior to receipt of confidential tax information.

(Name of corporation or subsidiary) will notify the addressee in writing of changes to be made to the list.

This authorization is intended to comply with Internal Revenue Code Section 6103(e)(1)(D)(ii).

/s/ _____

(Any) Principal Officer *(Title)*

and

/s/ _____

Secretary or any other officer *(Title)*

.05 The following format should be used for authorizations with respect to business entities which are not corporations:

Business Letterhead (if any)

(Date)_____.

Disclosure Officer

_____ District Office

In accordance with Revenue Procedure 80–46, the employees named in the attached list are authorized to receive return information pertaining to *(name of entity and employer identification number or social security number)* with respect to Form(s) *(941, 940, etc.)* for tax period(s) _____.

Each of the employees named in the attached list have granted permission for use of their social security numbers for identity verification purposes prior to receipt of confidential tax information.

(Name of entity) assumes the responsibility to notify the addressee in writing of any changes to be made to the list.

I certify that *(statement of authority to authorize individuals to receive confidential tax information of the taxpayer).*

/s/ _____

Sec. 5. Where To Send the Letter of Authorization

The letter of authorization shall be submitted to the Disclosure Officer for the Internal Revenue Service district office with which contacts are expected. A list of Disclosure Officer addresses appears in Sec. 7. If contact with more than one district office is anticipated, a letter must be sent to each District Disclosure Officer. The Disclosure Officer will acknowledge receipt by

letter, which will provide a telephone number for contacts pursuant to Sec. 6.03.

Sec. 6. Modification of the Authorization List

.01 It is the responsibility of the taxpayer to keep the authorization lists current and to modify the list when necessary. The Service will recognize authorizations as effective until revised or revoked, unless otherwise specified in the letter of authorization.

.02 The taxpayer shall modify the authorization list by sending a letter which meets the requirements of Secs. 3 and 4. The letter shall be addressed to the appropriate District Disclosure Officer(s) and shall clearly indicate the names of employees to be deleted from the list and the names of employees to be added to the list. If revocation of the Disclosure Authorization List is desired, the letter shall so state. Modifications will become effective when the Disclosure Officer receives the letter.

.03 To quickly effect deletions from the list, taxpayers may advise the Disclosure Officer of the deletions by telephone. The deletions become effective upon notification of the Disclosure Officer but shall then be confirmed in writing.

.04 The Disclosure Officer should be contacted five days after the modification letter is mailed to confirm receipt.

Sec. 7. Disclosure Officer Addresses

The following is a listing of district disclosure officer mailing addresses:

Central Region

Cincinnati—P.O. Box 1818, Cincinnati, OH 45201
Cleveland—P.O. Box 99181, Cleveland, OH 44199
Detroit—P.O. Box 32513, Detroit, MI 48232
Indianapolis—P.O. Box 44211, Indianapolis, IN 46244
Louisville—P.O. Box 1735, Louisville, KY 40201
Parkersburg—P.O. Box 1388, Parkersburg, WV 26101

Mid-Atlantic Region

Baltimore—FOB, P.O. Box 1018, Baltimore, MD 21203
Newark—P.O. Box 476, Room 1135, Newark, NJ 07101
Philadelphia—600 Arch Street, Philadelphia, PA 19106
Pittsburgh—P.O. Box 2488, Pittsburgh, PA 15230
Richmond—P.O. Box 10049, Richmond, VA 23240
Wilmington—P.O. Box 1206, 844 King Street, Wilmington, DE 19899

Midwest Region

Aberdeen—P.O. Box 370, Aberdeen, SD 57401
Chicago—230 S. Dearborn St., Room 2865, Chicago, IL 60690
Des Moines—P.O. Box 1337, Room 579, Des Moines, IA 50305
Fargo—P.O. Box 8, Fargo, ND 58102
Milwaukee—P.O. Box 493, Room 528B, Milwaukee, WI 53201
Omaha—P.O. Box 1052, Downtown Station, Room 102, Omaha, NE 68101
St. Louis—P.O. Box 1147, Room 702, St. Louis, MO 63188
St. Paul—316 No. Robert Street, Room 482, St. Paul, MN 55101
Springfield—320 W. Washington St., P.O. Box 398, Springfield, IL 62705

North-Atlantic Region

Albany—Leo O'Brien, Federal Office Building, Clinton Avenue & Pearl Street, Albany, NY 12207
Augusta—P.O. Box 1964, Augusta, ME 04330
Boston—P.O. Box 9097, JFK Post Office, Boston, MA 02203
Brooklyn—35 Tillary Street, Brooklyn, NY 11201
Buffalo—P.O. Box 1040, Niagara Square Station, Buffalo, NY 14201
Burlington—11 Elmwood Avenue, Burlington, VT 05401
Hartford—450 Main Street, Hartford, CT 06115
Manhattan—P.O. Box 3036, Church Street Station, New York, NY 10008
Portsmouth—80 Daniel Street, Portsmouth, NH 03801
Providence—130 Broadway, Providence, RI 02903

Southeast Region

Atlanta—275 Peachtree St., N.E., P.O. Box 904, Room 230, Atlanta, GA 30301
Birmingham—2121 Eighth Avenue, N., Room 1205, Birmingham, AL 35203
Columbia—Federal Office Building, 1835 Assembly St., Room 466, Columbia, SC 29201
Greensboro—Federal Office Building, 320 Federal Plaza, Room 305, Greensboro, NC 27401
Jackson—301 Building, 100 W. Capitol St., Suite 504, Stop 9, Jackson, MS 39201
Jacksonville—Federal Office Building, 400 W. Bay Street, Room 544, P.O. Box 35045 (Stop No. 610), Jacksonville, FL 32202
Nashville—U.S. Courthouse, 801 Broadway, Room 481, P.O. Box 1107, Nashville, TN 37202

Southwest Region

Albuquerque—P.O. Box 1967, Albuquerque, NM 87103
Austin—P.O. Box 1448, Mail Stop 620, Austin, TX 78767
Cheyenne—308 West 21st Street, Cheyenne, WY 82001
Dallas—1100 Commerce Street, Code 428, Dallas, TX 75242
Denver—1050 17th Street, Denver, CO 80265
Little Rock—P.O. Box 3778, Stop 25, Little Rock, AR 72203
New Orleans—P.O. Box 30350, Stop 40, New Orleans, LA 70190
Oklahoma City—P.O. Box 66, Stop T-D, Oklahoma City, OK 73101
Wichita—P.O. Box 400, Wichita, KS 67201

Western Region

Anchorage—P.O. Box 1500, Anchorage, AK 99510

Boise—550 West Fort Street, P.O. Box 041, Boise, ID 83724
Helena—2nd Floor West, Federal Building, Helena, MT 59601
Honolulu—P.O. Box 50089, Honolulu, HI 96850
Los Angeles—P.O. Box 3151, Los Angeles, CA 90053
Phoenix—2120 N. Central, Stop 450, Phoenix, AZ 85004
Portland—1220 S.W. 3rd Avenue, Portland, OR 97201
Reno—300 Booth Street, Reno, NV 89502
Salt Lake City—465 S. 400 East, Salt Lake City, UT 84111
San Francisco—450 Golden Gate Avenue, San Francisco, CA 94102
Seattle—915 2nd Avenue, M.S. 180, Seattle, WA 98174

Office of International Operations

1325 K Street, N.W., Room 900, Washington, DC 20225

Sec. 8. Inquiries

Inquiries in regard to this revenue procedure should be directed to the District Disclosure Officer.

Sec. 9. Effective Date

This revenue procedure becomes effective December 10, 1980.

Approved:

W. E. Williams,

Deputy Commissioner.

[FR Doc. 80-35114 Filed 11-7-80; 8:45 am]

BILLING CODE 4830-01-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Scholarships; Closing Date for Nominations from Eligible Institutions of Higher Education

Notice is hereby given that, pursuant to the authority contained in the Harry S. Truman Memorial Scholarship Act, Pub. L. 93-642 (20 U.S.C. 2001), nominations are being accepted from eligible institutions of higher education for Truman Scholarships. Procedures are prescribed at 45 CFR 1801, and were published in the **Federal Register** on June 19, 1976 (43 FR 26366).

In order to be assured of consideration, all documentation in support of nominations must be received by the Truman Scholarship Review Committee, Box 2838, Princeton, N.J. 08541 postmarked no later than Monday, December 1, 1980.

Malcolm C. McCormack,

Executive Secretary.

November 5, 1980.

[FR Doc. 80-35045 Filed 11-7-80; 8:45 am]

BILLING CODE 9500-01-M

VETERANS ADMINISTRATION

National Cemeteries and Headstones and Markers Program Evaluation; Availability of Summary Report

Notice is hereby given that the program evaluation of the Veterans Administration's National Cemeteries & Headstones and Markers Programs has been completed.

Single copies of the National Cemeteries & Headstones and Markers evaluation are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: November 4, 1980.

Max Cleland,

Administrator.

[FR Doc. 80-34970 Filed 11-7-80; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Amendment of Systems Notice; Additional Routine Use Statement

Notice is hereby given that the Veterans Administration is adding a new routine use statement to two systems of VA records entitled "Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA" (49VA21) and "TARGET-Compensation, Pension, Education and Rehabilitation Records-VA" (58VA21/22) as set forth on pages 44740 and 44743, respectively, of the **Federal Register** of September 28, 1978. The Department of Defense (DOD) has requested the Veterans Administration to release to DOD the names, addresses and other identifying data, including the Social Security number, of surviving spouses, children and parents of deceased veterans from the above named systems of records. The information is needed by DOD in order to include it in the "Defense Enrollment/Eligibility Reporting System" (DEERS). This system is being developed by DOD for the sole purpose of identifying individuals eligibility for DOD health-care benefits, facility planning, personnel studies, capitalization budgeting and post exchange, commissary and housing studies. The Veterans Administration has determined that the release of this information to DOD is a necessary and proper use of the data in these systems

of records and a specific routine use for this information transfer is appropriate.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine use to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C., 20420. All relevant material received before December 10, 1980 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until December 22, 1980.

Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132 at the above address. Such visitors to any VA field stations will be informed that the records are available for inspection only in Central Office and furnished the address and the room number.

If no public comment is received during the 30-day review period allowed for public comment or unless othewise published in the **Federal Register** by the Veterans Administration, the new routine use statement included herein is effective November 4, 1980.

Approved: November 4, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In the system identified as 49VA21, "Veterans, Dependents and Beneficiaries Compensation and pension Records-VA", appearing at 43 FR 44740, the following routine use statement is added to read as follows:

49VA21

SYSTEM NAME:

Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

29. Names and addresses, and other identifying data including the Social Security number, of surviving spouses, children and parents of deceased veterans may be released from this system of records to the Department of Defense (DOD) upon its official request in order for DOD to identify individuals eligible for health care benefits administered by the DOD, or to collect or verify information necessary for DOD facility planning, personnel studies, capitalization budgeting and post exchange, commissary and housing studies.

* * * * *

2. In the system identified as 58VA21/22, "TARGET-Compensation, Pension, Education and Rehabilitation Records-VA", appearing at 43 FR 44743, the following routine use statement is added:

58VA21/22

SYSTEM NAME:

TARGET-Compensation, Pension, Education and Rehabilitation Records-VA.

* * * * *

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

37. Names and addresses, and other identifying data including the Social Security number, of surviving spouses, children and parents of deceased veterans may be released from this system of records to the Department of Defense (DOD) upon its official request in order for DOD to identify individuals eligible for health care benefits administered by the DOD, or to collect or verify information necessary for DOD facility planning, personnel studies, capitalization budgeting and post exchange, commissary and housing studies.

* * * * *

[FR Doc. 80-35011 Filed 11-7-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 219
Monday, November 10, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

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Federal Election Commission	1
Federal Energy Regulatory Commission	2
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Federal Reserve System (Board of Governors)	4
National Transportation Safety Board	5

1

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, November 13, 1980 at 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1980-116: Brad J. Sherman (Americans for a Responsible Presidency (ARP).
Draft AO 1980-120: Philip Van Dam, Legal Counsel, Civic Host Committee for the 1980 Republican National Convention, Inc.
1980 Election and related matters
Appropriations and budget: Budget Execution Report
Pending legislation
Classification actions
Routine administrative matters

* * * * *

DATE AND TIME: Thursday, November 13, 1980 at 2:00 p.m.

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

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

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

Marjorie W. Emmons,
Secretary to the Commission.

[S-2055-80 Filed 11-6-80; 3:50 pm]

BILLING CODE 6715-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

November 5, 1980.

TIME AND DATE: 10 a.m., November 12, 1980.

PLACE: 825 North Capitol Street NE., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—468th Meeting, November 12, 1980, Regular Meeting (10 a.m.)

CAP-1. Project Nos. P-3190 and P-3193, City of Santa Clara, Calif.
CAP-2. Project No. 2756, Green Mountain Power Corp. and Burlington Electric Department.
CAP-3. Project No. 2694, Nantahala Power & Light Co.
CAP-4. Project No. 2004, Holyoke Water Power Co.
CAP-5. Project No. 1417, Nebraska Public Power District; Project No. 1835, Central Nebraska Public Power and Irrigation District.
CAP-6. Docket Nos. ER80-400 and ER80-458, Green Mountain Power Corp. and Central Vermont Public Service Corp.
CAP-7. Docket No. ER79-370, Consolidated Edison Co.
CAP-8. Docket Nos. ER76-827 and ER77-427, Minnesota Power & Light Co.
CAP-9. Docket No. ER78-513, Public Service Co. of Indiana, Inc.
CAP-10. Docket Nos. ER80-38 and ER80-121, West Texas Utilities Co.
CAP-11. Docket No. ES80-75; Iowa Electric Light & Power Co.

Miscellaneous Agenda—468th Meeting, November 12, 1980, Regular Meeting

CAM-1. Docket No. RA80-54, Southland Oil Co. and CGS Corp.
CAM-2. Docket No. RA80-27, Louisiana Power & Light Co.

Gas Agenda—468th Meeting, November 12, 1980, Regular Meeting

CAG-1. Docket No. TA81-1-49-000 (PGA81-1 and PGA81-12), Montana Dakota Utilities Co.
CAG-2. Docket Nos. RP79-22 and RP78-52, Consolidated Gas Supply Corp.
CAG-3. Docket Nos. RP78-76 and R-406, Consolidated Gas Supply Corp.
CAG-4. Docket No. RP74-4, Cities Service Gas Co.
CAG-5. Docket No. RP78-94, Texas Gas Transmission Corp.
CAG-6. Docket No. CI78-186, Mesa Petroleum Co.
CAG-7. Docket No. CI77-100, American Natural Gas Production Co.; Docket No. CI69-1096, Cities Service Co.; Docket No. CI80-466, Texas Pacific Oil Co.; Docket No. CI80-397, Alminex U.S.A. Inc.; Docket No. CI80-398, Canadian Superior Oil (U.S.) Ltd.; Docket No. CI80-366, Getty Oil Co.; Docket No. CI80-380, Cabot Corp.; Docket No. CI80-393, Amoco Production Co.; Docket No. CI80-422, Cities Service Co.; Docket No. CI80-410, Geo. Oil and Gas Co. of Houston; Docket No. CI68-1027, Union Oil Co. of California; Docket No. CI67-557, Arco Oil & Gas Co., Division of Atlantic Richfield Co.; Docket No. CI72-181, Amoco Production Co.; Docket No. CI72-490, Pennzoil Producing Co.; Docket No. CI80-375, Phillips Petroleum Co.; Docket No. CI66-1257, Jake L. Hamon (Operator), et al.; Docket No. CI71-668, Pennzoil Co.; Docket No. CI69-962, Marathon Oil Co.; Docket No. CI70-93, The California Co., a Division of Chevron Oil Co.; Docket No. CI70-134, Sun Oil Co.
CAG-8. Docket No. CP80-330, Columbia Gulf Transmission Co. and Consolidated Gas Supply Corp.; Docket No. CP80-385, Texas Gas Transmission Corp.
CAG-9. Docket No. CP80-407, Northwest Pipeline Corp.
CAG-10. Docket No. CP79-472, Florida Gas Transmission Co.
CAG-11. Docket No. CP80-498, Arkansas Louisiana Gas Co.
CAG-12. Docket No. G-1760, Cities Service Gas Co.
CAG-13. Docket No. CP80-98, Equitable Gas Co.

Power Agenda—468th Meeting, November 12, 1980, Regular Meeting

I. Licensed Project Matters

P-1. (a) Project No. 405, the Susquehanna Power Co. and Philadelphia Electric Power Co.; (b) Project No. 1025, Safe Harbor Water Power Corp.; (c) Project No. 1881, Pennsylvania Power & Light Co.; (d) Project No. 1888, York Haven Power Co.

II. Electric Rate Matters

ER-1. Docket No. ER80-768, Indiana & Michigan Electric Co.; Docket No. ER80-771, Appalachian Power Co., Ohio Power Co. and Wheeling Electric Co.; Docket No. ER80-775, Ohio Power Co.; Docket No. ER80-811, Ohio Power Co.; Docket No. ER80-804, Indiana & Michigan Electric Co.; Docket No. ER80-808, Indiana & Michigan Electric Co. and Ohio Power Co.; Docket

No. ER80–809, Ohio Power Co.; Docket No. ER80–810, Indiana & Michigan Electric Co.; Docket No. ER81–2–000, Indiana & Michigan Electric Co.

ER–2. Docket Nos. E–9002 and ER76–122, Commonwealth Edison Co.

ER–3. Docket Nos. ER77–488 and ER78–520 (phase II), El Paso Electric Co.

ER–4. Docket No. ER77–277, Pennsylvania Power Co., price squeeze (phase II).

ER–5. Docket No. ER77–614, Union Electric Co.

ER–6. Docket No. ER80–204, CP National Corp.

ER–7. Docket No. ER80–329, Central Power & Light Co.

ER–8. (a) Docket No. EF80–2011, Bonneville Power Administration (system rates); (b) Docket No. E–9563, Bonneville Power Administration (wheeling rates).

ER–9. Docket No. EL80–4, Metropolitan Edison Co.

ER–10. Docket No. EL79–20, Buckeye Power, Inc. v. Cincinnati Gas & Electric Co.

Miscellaneous Agenda—468th Meeting, November 12, 1980, Regular Meeting

M–1. Reserved.

M–2. Reserved.

M–3. Docket No. RP79–64, Florida Gas Transmission Co.

M–4. Docket No. RM80–73, Natural Gas Policy Act of 1978, section 110, gathering allowance.

M–5. Docket No. RM80–74, Natural Gas Policy Act of 1978, section 110, compression allowance.

M–6. Docket No. RM80–33, final rules for part 270, subpart B, sections 270.201, 270.202 and 270.204.

M–7. (a) Docket No. RM79–76 (Wyoming—1), high-cost gas produced from tight formations; (b) Docket No. RM79–76 (Wyoming—2), high-cost gas produced from tight formations; (c) Docket No. RM79–76 (Colorado—2), high-cost gas produced from tight formations.

M–8. Docket No. RA80–41, Eagle's Chevron Service.

Gas Agenda—468th Meeting, November 12, 1980, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP71–125 (PGA78–2), Natural Gas Pipeline Co. of America.

II. Producer Matters

CI–1. Reserved.

III. Pipeline Certificate Matters

CP–1. Docket No. CP80–347, Natural Gas Pipeline Co. of America.

CP–2. Docket No. CP80–335, Arkansas Louisiana Gas Co.

CP–5. (a) Docket Nos. CP78–123, et al., Northwest Alaskan Pipeline Co.; Docket No. CP78–124, Northern Border Pipeline Co.; Docket No. CP79–60, Pacific Gas Transmission Co.; (b) Delegation to the Federal inspector of certain authority under sections 4, 5, 7 and 8 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[S–2051–80 Filed 11–6–80; 9:32 am]

BILLING CODE 6450–85–M

3

FEDERAL HOME LOAN BANK BOARD.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: November 6, 1980.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following item has been withdrawn from the board meeting: Definition of Net Worth.

[S–2052–80 Filed 11–6–80; 9:50 am]

BILLING CODE 6720–01–M

4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 9:30 a.m., Wednesday, November 12, 1980.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: Summary Agenda: Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be resolved with a single vote unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed amendment to Regulation K (International Banking Operations) to establish procedures by which U.S. banking organizations may make investments abroad. (Proposed earlier for public comment: Docket No. R–0290).

Discussion Agenda:

1. Proposed amendment to Regulation K (International Banking Operations) to allow certain limited exemptions from the nonbanking prohibitions of the Bank Holding Company Act. (Proposed earlier for public comment: Docket No. R–0291).

2. Proposed revision of the Annual Report for Foreign Banking Organizations, Form F.R. Y–7. (Proposed earlier for public comment; Docket No. R–0256).

3. Proposed revision of the Quarterly Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries, Form F.R. Y–8f. (Proposed earlier for public comment; Docket No. R–0257).

4. Proposal to establish International Banking Facilities within the United States.

5. Eurodollar reserve requirement policy under Regulation D (Reserve Requirement of Depository Institutions).

6. Any agenda items carried forward from a previously announced meeting.

Items 4 and 5 will be considered only if time permits.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20661.

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

Dated: November 5, 1980.

Theodore E. Allison,

Secretary of the Board.

[S–2053–80 Filed 11–6–80; 11:05 am]

BILLING CODE 6210–01–M

5

[NM–80–37]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 73217, November 4, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Wednesday, November 12, 1980.

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

MATTERS TO BE CONSIDERED:

1. *Special Study Proposal*—Rail-Highway Grade-Crossing Accidents Involving Transportation of Hazardous Materials by Truck.

2. *Discussion* of Board policy relating to oral arguments.

3. *Letter* to the Federal Aviation Administration re notice of proposed rulemaking "FAA Access to Flight Data Recorder and Cockpit Voice Recorder Tapes," Dkt. 20661, Notice No. 80.14.

4. *Recommendation* to the Federal Aviation Administration requesting student pilots to identify themselves as students while in contact with FAA facilities.

5. *Opinion and Order*—Petition of Arechavala, Dkt. SM–2492, disposition of the Administration's appeal.

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

November 6, 1980.

[S–2054–80 Filed 11–6–80; 11:08 am]

BILLING CODE 4910–58–M

federal register

Monday
November 10, 1980

Part II

Department of Transportation

Research and Special Programs Administration

Identification Numbers, Hazardous Wastes, Hazardous Substances, International Descriptions, Improved Descriptions, Forbidden Materials, and Organic Peroxides

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 175, 176, 177

[Docket Nos. HM-118, 126A, 126B, 145A, 145B, 159, and 171; Amdt. Nos. 171-53, 172-58, 173-137, 174-37, 175-16, 176-11, 177-48]

Identification Numbers, Hazardous Wastes, Hazardous Substances, International Descriptions, Improved Descriptions, Forbidden Materials, and Organic Peroxides

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to dispose of petitions for reconsideration of the final rules published in the May 22, 1980, Federal Register (45 FR 34560) and to make a number of corrections and clarifications to those rules regarding the following subjects:

(1) A numerical identification system for hazardous materials transported in commerce;

(2) Regulations pertaining to the transportation of hazardous wastes;

(3) Regulations pertaining to the identification of, and discharge notifications for, hazardous substances;

(4) Identification of certain forbidden materials by name and revisions to the general criteria applicable to forbidden materials;

(5) Proper shipping names for organic peroxides; and

(6) A requirement for entering on shipping papers the technical names of certain hazardous components of materials covered by n.o.s. entries.

EFFECTIVE DATE: November 20, 1980, unless otherwise specified by the regulations. Shipments may be prepared, offered for transportation, and transported in accordance with the Amendments cited above, as amended herein, upon publication in the Federal Register except for the display of identification numbers on placards as specified in Subpart D of Part 172 which is authorized on and after April 1, 1981.

FOR FURTHER INFORMATION CONTACT: L. Metcalfe (202-426-0656) or Delmer F. Billings (202-426-2075), Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. Office hours are 8 a.m. to 4:30 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: This action by the Materials Transportation Bureau (MTB) amends, corrects, and clarifies the final regulations published in the Federal Register on May 22, 1980 (45 FR 34560). It is based on petitions for reconsideration, requests for clarification or interpretations, and errors discovered by MTB and commenters. A number of timely filed petitions were received addressing the final rule. A number of other submissions were received that, while not considered to be formal petitions, were given full consideration by MTB in its decisions concerning the changes made by this publication.

Several petitions received by MTB were considered to be of such major significance as to warrant further public participation prior to MTB's making decisions concerning their disposition. These petitions concerned the display of identification numbers (Docket HM-126A) and the voluntary and mandatory compliance dates in relation thereto; hazardous waste manifests (Docket HM-145A); the definition of hazardous substances (Docket HM-145B); and use of the Optional Table (Docket HM-171). Major portions of these petitions were published in the Federal Register on June 30, 1980 (45 FR 43761) and July 10, 1980 (45 FR 46417). On July 31, 1980, a public hearing concerning these matters was held in Washington, D.C., and more than 50 comments, both oral and written, were received by MTB concerning the particular issues raised by the petitions.

In all, more than 100 petitions, comments, and inquiries were received by MTB relative to the final rules published on May 22, 1980. All have been considered. This preamble first addresses the major issues raised in those petitions, comments and inquiries. All other corrections and amendments are addressed in the succeeding section-by-section discussion. Except as adopted herein, all petitions for reconsideration received by MTB concerning the matters covered by the final rule published on May 22, 1980, are hereby denied.

As stated in the preamble to the rule, the Office of Management and Budget (OMB) must clear the shipping paper and reporting requirements adopted in the rule. Acting under the Federal Reports Act of 1942, on August 21, 1980, OMB approved the incident reporting requirements specified in 49 CFR, Parts 171-177 (OMB approval No. 004-R5613). On September 5, 1980, OMB similarly approved the shipping paper requirements (OMB approval No. 004-R5750).

Display of Identification Numbers; Docket HM-126A

The Association of American Railroads (AAR), the Southern Railway System (Southern), and the National Tank Truck Carriers, Inc. (NTTC), filed timely petitions for reconsideration pertaining to the display of identification numbers on the exterior of transport vehicles and portable tanks. Substantial portions of the petitions were quoted verbatim in the Federal Registers of June 30 and July 10, 1980.

A variety of positions, many of them conflicting, were taken by the petitioners and commenters concerning the display of identification numbers. They are synopsized as follows:

1. If they are displayed at all, identification numbers should not be displayed on placards; only orange panels should be used.

2. Identification numbers should only be displayed on placards; the orange panel method of display should be eliminated.

3. Identification numbers should be displayed only on placards along with class inscriptions in reduced size lettering.

4. Carriers should not be required to replace identification numbers lost during transporation.

5. The voluntary and mandatory compliance dates for the display of identification numbers do not allow sufficient time to implement training and education programs or to effect compliance with the requirements.

6. The regulations pertaining to the display of identification numbers, as published in the Federal Register on May 22, 1980, should be retained without change.

Generally, the comments synopsized in Item 1 above were received from representatives of the railroad industry; the comments in Item 2 from the motor carrier industry; the comments in Item 3 from some shippers and subsequently from the motor carrier industry; the comments in Item 4 from carriers; the comments in Item 5 from most commenters, except emergency services; and the comments in Item 6 from emergency services.

The positions taken by the petitioners and commenters to the petitions are, to a certain degree, irreconcilable. Taken together they have not made a persuasive argument for any substantial change in the identification number display requirements as published in the final rule. The petitions and comments did, however, point to a number of adjustments that MTB believes will ease

implementation and improve the regulations pertaining to display of identification numbers.

Concerning the method of display of identification numbers; i.e., on orange panels and/or placards, MTB has decided to retain the provisions it adopted in the final rule with certain modifications. Of significance is the change to § 172.332 consolidating the display provisions into a single section, and a revision to § 172.334 to specify the circumstances under which display of identification numbers would be prohibited. In the latter rule, paragraph (e) will prohibit the display of identification numbers on an orange panel on a cargo tank unless it is affixed to the cargo tank by the person offering the hazardous material for transportation. This means carriers operating cargo tanks will not be faced with the multiple choice situation suggested in the NTTC petition. If a shipper does not himself affix the identification numbers to a cargo tank, he must provide the identification numbers on placards under the circumstances that require him to provide placards. MTB, with this modification, believes it has resolved a significant and valid problem raised by the NTTC in its petition.

Several commenters from the railroad industry raised concern about the display of identification numbers on placards as having an adverse impact on compliance with the car handling requirements specified in Part 174. One commenter submitted a chart used by his company to illustrate the requirements for positioning cars containing hazardous materials in trains and for the switching of cars. The positioning chart, which illustrates the requirements in relation to the kind of placard applied, contains the following entries for placards in a column.

EXPLOSIVES A
POISON GAS
RADIOACTIVE
ANY PLACARD OTHER THAN COMBUSTIBLE
EMPTY—OTHER THAN COMBUSTIBLE
COMBUSTIBLE

The regulation, as adopted, does not authorize the display of identification numbers on EXPLOSIVES, POISON GAS, or RADIOACTIVE placards. A special presentation (white bottom) of the COMBUSTIBLE placard has been adopted if it is to be used for the display of an identification number. Therefore, identification numbers are only allowed to be displayed on those placards described in the chart as ANY PLACARD OTHER THAN COMBUSTIBLE (including EMPTY) and COMBUSTIBLE.

Concerning the training of railroad employees relative to the display of identification numbers on placards, the MTB does not agree with those commenters who suggested that this is an unreasonably burdensome task. Railroad personnel need only be trained to recognize that all cars bearing placards with identification numbers are treated in the same manner except those bearing COMBUSTIBLE placards which will be identified differently. Certainly training will be required to recognize these distinctions.

While orange panels would be required on tanks transporting poison gas and radioactive materials, MTB estimates this mandatory usage will be minimal in relation to the total number of movements of hazardous materials in tanks.

One commenter from a railroad indicated that studies show that currently placards are in place on rail cars in only 77% of the situations where required and that his railroad is replacing 500 placards a month. These statements were made in support of his contention that painting the name of the commodity on a tank car is more reliable, (80%) than any placarding system. The cited study was not submitted to support those statements. Consequently their correctness and value remain doubtful. However, the statements above suggest a need for increased surveillance and enforcement efforts to assure compliance with placarding and marking requirements.

Occasionally placards, which are required to be displayed on both sides and both ends of rail cars, are lost or destroyed during transportation and the same is likely to occur with orange panels. To ease the replacement burden on transportation companies, MTB is modifying § 172.338 to require replacement of identification numbers only when more than one required display is found missing or destroyed during transportation. When only one placard bearing an identification number (if used) is found missing or destroyed, the appropriate class placard (with inscription) may be used. If more than one placard or orange panel bearing an identification number is found missing or destroyed, all would have to be replaced. This is consistent with instructions to emergency services in the forthcoming Emergency Response Guidebook which tells them to check the sides of tanks if they do not see identification numbers on ends. Also, considering the strong interest expressed by motor carriers in utilizing placards for the display of identification numbers, and the limited relief provided for replacement of identification numbers, MTB has decided to eliminate the exception concerning the display of identification numbers on the forward end of cargo tank trucks and cargo tank semitrailers. Otherwise, it is conceivable that an identification number would not be visible from two directions i.e., the front and one side or the other—an unacceptable situation relative to the display of emergency response information.

MTB has fully considered the comments suggesting that class identification inscriptions should be retained in combination with the display of identification numbers on placards. As an alternative to the orange panel the final rule as published authorized identification numbers to be displayed on placards in 3½" high numerals in space made available by omitting the currently used inscription. The proposed inclusion of inscriptions in the placard display, even though rather small, would require a reduction in the size of the numerals. Also, the inclusion of inscriptions in the same block with the numerals would further diminish effective display of identification numbers at distances greater than 100 feet, while smaller inscriptions would only be readable at distances of less than 50 feet. Representatives of emergency services organizations who commented on this matter stated that they found it desirable to place the greatest emphasis on the visibility of identification numbers and one emphasized that the 3½" size for identification numbers is about twice the size of the lettering for present inscriptions on placards. He also pointed out that fire service emergency personnel depend more on the color of a placard to tell them the class of a hazardous material than the class inscription printed on the placard. In summary, emergency service representatives took the position that using all of the available space on a placard to display the particular commodity identification number as prominently as possible far exceeds the value of showing in that space a class name. MTB agrees and has decided to retain the format adopted in the rule.

A number of commenters requested that additional time be provided for compliance with the requirements pertaining to the display of identification numbers and that voluntary compliance not be permitted prior to July 1, 1981. Their principal argument was the time needed for implementation of training programs. It is in the public interest that the identification system be implemented

without further delay. Nevertheless it is clear that training is important to proper implementation of the system. Therefore, the voluntary date for display of identification numbers on placards (when authorized) is redesignated as April 1, 1981, and the mandatory date for their display on placards or orange panels is delayed to November 1, 1981. The later date was chosen to allow sufficient time for acquisition and deployment of orange panels or numbered placards and to implement the identification system.

Hazardous Wastes; Docket HM–145A

The National Tank Truck Carriers, Inc. (NTTC) and the American Trucking Associations, Inc. (ATA) petitioned for removal of the Note following subparagraph (3) of § 171.3(c). The Note provides a modification to the statement of inconsistency found in subparagraph (3) which pertains to the imposition of requirements by a State or its political subdivision relative to the format or contents of shipping papers including hazardous waste manifests.

Comments concerning this matter were numerous. Shippers and carriers strongly supported deletion of the Note while several State agencies strongly supported its retention. Merit is to be found in the arguments raised on both sides on this issue. Shippers and carriers maintain that there is a need for national uniformity to preclude impediments to the movement of hazardous materials (wastes) in interstate commerce. The States believe that the manifests they have adopted are essential to the accomplishment of their hazardous waste control systems.

MTB has been involved in the development of hazardous wastes transportation regulations for approximately four years. An MTB representative participated with Environmental Protection Agency (EPA) in a number of public hearings concernig the development of hazardous wastes requirements and heard repeated statements by shipper and carrier representatives expressing the view that the hazardous waste manifest requirements promulgated by the EPA should allow for their assimilation within existing transportation documentation systems. EPA, in its desire to minimize the impact of its hazardous waste transportation requirements, accepted the arguments raised by industry commenters and promulgated limited requirements that merely listed the information that must be displayed on hazardous waste manifests and did not adopt a specific manifest form on format.

It now appears that there is a significant demand for a uniform, Federally mandated format for a hazardous waste manifest. This is not entirely limited to shipper and carriers. Several State officials have expressed a need for a nationally agreed-upon system. MTB agrees that this should be accomplished and has been informed that an industry organization, the Hazardous Materials Advisory Council, is beginning a dialogue with various State officials having a similar concern. Because the prospects for the success of this effort appear favorable, MTB is deferring action on the petitions requesting the deletion of the Note to § 171.3(c) pending the development of an acceptable uniform hazardous waste manifest.

Hazardous Substances; Docket HM–145B

The Association of American Railroads (AAR) and the Southern Railway System (Southern) filed petitions for reconsideration concerning the applicability of the Department's Hazardous Materials Regulations to hazardous substances as published in the **Federal Register** on May 22, 1980 (45 FR 34560). In that final rule MTB, acting pursuant to its authority under the Hazardous Materials Transportation Act (HMTA), listed all materials identified by EPA as hazardous substances pursuant to Section 311 of the Clean Water Act. However, MTB limited its definition of a hazardous substance in § 171.8 to a reportable quantity in one package, or transport vehicle when not packaged, and to certain concentrations.

The AAR and the Southern petitions requested that the rule be modified to require shippers to notify transporters when several packages of hazardous substances are tendered in one transport vehicle if, in the aggregate, there is an amount equal to or exceeding a reportable quantity of a hazardous substance. Southern "strenuously" objected to the table in § 171.8 associated with the definition of a hazardous substance, and suggested that precise percentages should be furnished by shippers to carriers to determine whether, in fact, a reportable quantity of a hazardous substance contained in a mixture or solution has been spilled.

A public hearing was held on July 31, 1980, to receive comments on the petitions from interested persons. Also, a number of written comments were filed and made a part of the record. Except for comments received from persons representing the views of the railroad industry, virtually all other comments received in response to the petitions supported the rule as adopted. Based on a review of all the comments received, including the additional comments of the petitioners, MTB has concluded that the hazardous substance rules as adopted under Amendment 171–53 should remain the same, except for minor modifications for purposes of clarification. The rule is sufficiently extensive to address each substance in a quantity and form which may pose an unreasonable risk to health and safety or property when transport in commerce. MTB is satisfied that using the quantity in one package, or in one transport vehicle when not packaged, and percentages in mixtures or solutions provided the optimum method of limiting the application of rules issued under HMTA for reporting purposes. MTB has received concurrence from EPA concerning this decision as evidenced by EPA's publication in the **Federal Register** on September 17, 1980 (45 FR 61617) relative to the applicability of 40 CFR Part 117 to common carriers.

It has been pointed out to MTB that certain petroleum products such as unleaded gasoline may contain hazardous substances in reportable quantities when transported in cargo tanks and tank cars. Such materials were never intended to be covered by the hazardous substances spill reporting regulations since they are presently covered by the oil discharge regulations of the U.S. Coast Guard and the EPA. Therefore, a provision has been added to the definition of a hazardous substance excluding petroleum products that are lubricants of fuels.

International Descriptions; Docket HM–171

The Association of American Railroads (AAR) and the Southern Railway System (Southern) filed petitions requesting elimination of § 172.102 which would allow the use of international descriptions for hazardous materials as adopted by the Intergovernmental Maritime Consultative Organization (IMCO). At the hearing on July 31, 1980, a number of commenters suggested that the Section be deleted in deference to the formation of an industry working group under the leadership of the Bureau of Explosives (AAR). In its written submission, the AAR stated, "The AAR offers to undertake the task of combining the § 172.101 and Optional Tables. In the next year, it should be possible to make a decision as to whether a unified Table is feasible. The AAR therefore proposes that the MTB withdraw the Optional Table and allow the AAR until July 1,

1981, to determine whether a unified Table is attainable."

Several carriers and carrier organizations expressed particular concern about the use of the Optional Table for domestic transportation; especially with regard to tank cars and cargo tanks. They pointed out areas in which there is not direct comparability between the domestic commodity table (Section 172.101) and the Optional Table.

Classifications. IMCO specified classifications and labeling have been authorized for international shipments transported within the United States since adoption of § 171.12 under Docket HM–112 in 1976. There have not been any indications of any serious difficulties in operations conducted under that authority. Therefore, it must be assumed that the principal concerns of the petitioners and commenters are with the use of the differing classifications authorized by § 172.102 for purely domestic transportation. Moreover, removal of the alternative classifications authorized by § 171.12 for international shipments would be legally beyond the scope of the rulemaking under Docket HM–171. Accordingly, the provision with reference to the Optional Table in § 172.102 is being retained in order that such classifications be specifically listed in the DOT regulations.

Descriptions. Prior to the adoption of § 171.12 in 1976, several commenters requested that IMCO descriptions be authorized along with IMCO labels and classifications. MTB did not adopt the provision because the IMCO list was not generally available to or in the possession of carriers and enforcement personnel in the United States. The same is true today and is one of the principal reasons for publication of the § 172.102 Optional Table. MTB has decided to retain the Optional Table, but limit the use of the descriptions therein to international shipments involving transportation by vessels. The descriptions will not be authorized in connection with shipments aboard aircraft based on comments from operators of aircraft referring to potential difficulty in determining compliance with the quantity limitations specified in § 172.101 and alignment with international requirements. Further consideration will be given to such an authorization following the adoption of dangerous goods requirements by the International Civil Aviation Organization (ICAO).

One comment of special note spoke to so-called "land-bridge" operations which involve the movement of freight containers in international commerce by ocean voyage, coast-to-coast movement by rail, and a subsequent ocean voyage. That commenter, a carrier, suggested that shipments will be re-marked according to Section 172.101 if they are identified in accordance with the Optional Table. MTB assumes that the principal concern here is with the entries on shipping documents. MTB does not believe carriers should be placed in a position of having to accept (or cause a delay in the acceptance of) packages containing hazardous materials that are not marked with descriptions exactly as specified in § 172.101, if they are marked in accordance with the IMCO Code consistent with Rule 4 of the Safety of Life at Sea Convention. For this reason, and to provide a means for vessel loading in conformance with the IMCO Code (Column 7 of the Optional Table), and for the reasons stated in the preamble to the rule, MTB is retaining the Optional Table in Section 172.102 but is limiting its application as discussed above.

MTB accepts the AAR's offer to organize an inter-industry working group to undertake development of a single, integrated table and will reconsider the authorization for the use of the Optional Table, or its elimination, upon receipt of the recommendations from that working group.

The Emergency Response Guidebook

The Emergency Response Guidebook (ERG) that is associated with the rule issued under Docket HM–126A has been completed. MTB has entered into a contractual arrangement with the International Association of Fire Chiefs (IAFC) for distribution of the ERG to emergency services organizations. MTB's principal objective is to have one ERG placed in each police, fire, civil defense, and rescue-squad vehicle in the United States (estimated to be 450,000 vehicles) by November 1, 1981. Initial delivery of 200,000 copies of the ERG to the IAFC for distribution has been accomplished.

The IAFC is cooperating with the International Association of Chiefs of Police and the United States Civil Defense Council relative to distribution of the ERG. The IAFC will make initial distribution to the members of these organizations prior to distribution to other emergency services entities. This will avoid duplication of requests from different levels of emergency services organizations. For example, the chief of a county fire and rescue department responds to the IAFC inquiry, which will be mailed before January 1, 1981, and requests ERG's for all fire and rescue squad vehicles in his county. If he handles the distribution for his county, it will not be necessary for individual departments in his county to submit separate requests for the ERG.

MTB requests the cooperation of all interested persons relative to distribution of the ERG. It must be emphasized that the IAFC is distributing the ERG only to emergency services organizations engaged in protecting the general public. MTB has been informed that several private firms plan to reproduce and sell the ERG commercially. Commercial firms, organizations and private individuals should not contact the IAFC for copies of the ERG.

Persons representing emergency response entities that have not received copies of the ERG for their vehicles, and have not been contacted by the IAFC, may contact the IAFC after April 1, 1981 by writing to—

International Association of Fire Chiefs,
Attention: ERG, 1329 18th Street, NW.,
Washington, D.C. 20036.

Review By Sections

Section 171.3. Paragraph (d) of this section is revised with the addition of the words "or other hazardous material" at the end of line one to provide for a hazardous material that becomes a hazardous waste if discharged during transportation.

Section 171.7. The mailing address for OPPSD is changed to reflect the new address of the Organic Peroxide Procedures' Safety Division, Society of Plastic Industries.

Section 171.8. In response to several comments, the "Hazardous substance" definition is rewritten for clarification and a definition of "Reportable quantity" is added. A material identified by the letter "E" in Column (1) of the Table becomes a hazardous substance when the quantity in one package, or one transport vehicle when not packaged (bulk), equals or exceeds the reportable quantity indicated for the material in Column (2) of the Table. The "concentration by weight" columns (Percent and PPM) indicate the minimum concentration requiring consideration for determining if a material is a hazardous substance. Thus, for a material having a 1000 pound reportable quantity, a concentration below 2 percent is not considered a hazardous substance. Also excepted from the definition are petroleum products that are lubricants or fuels that are covered by the oil discharge reporting requirements (33 CFR 153.203).

The definition of "Name of contents" is revised to include a reference to § 172.102 which was overlooked in the final rulemaking.

MTB was requested to provide clarification of the requirements for identifying reportable quantities of hazardous substances in a compartmented tank. The terms "package" and "packaging" are defined in § 171.8. Any time a package (compartmented or otherwise) contains a reportable quantity of a hazardous substance, the regulations pertaining to hazardous substances in the subchapter apply.

Section 171.12. The original provisions of paragraph (b) are reinstated with a reference to § 172.102. In addition, the shipping names in § 172.102 are authorized for international shipments involving transportation by vessel.

Section 171.17. The first four lines of paragraph (a) are revised to limit the applicability of the reporting requirement for a hazardous substance to discharges of reportable quantities. An editorial revision to paragraph (c) is made to correct a publication error in the spelling of the word "unremoved" in the fourth line.

Section 172.101. Paragraph (b)(1) is revised to delete the words "including its mixtures and solutions." This revision is based on a petition for reconsideration. MTB reviewed the data and concurs with the recommendation. Several requests for interpretation of paragraph (j) were received and MTB considers it appropriate to clarify the text. Paragraph (c)(10) is revised to specify that the word "Waste" is to be the first word of the proper shipping name if the description in the Table (or Optional Table, when authorized) does not contain the word "waste."

Paragraph (c)(12) is deleted. As written, the requirement would have applied to all packagings including portable tanks, cargo tanks, multi-unit tank car tanks and tank cars which was not intended. The appropriate requirements are contained in §§ 172.203, 172.301 and 172.324.

Paragraph (d)(3) is added to include the limitation previously stated in paragraph (a) of § 173.500 which is deleted. This associates a requirement for the designation of a hazard class with the instructions pertaining to Column (3) of the Table.

Paragraph (g)(1) is added to provide a reference to § 173.510 for the packaging of an ORM–A, B, or C that is a hazardous waste or a hazardous substance and is not required to be packaged under Subparts K, L, or M for a specific mode of transport.

Hazardous Materials Table

Additions and Deletions

MTB is adding twenty-one entries to the Hazardous Materials Table (Table) and is deleting two entries. This action is based on comments received concerning the final rule and/or MTB discussions and review concerning the adequacy of entries in the Table. Several other changes to the entries in the Table have also been made, many of which are editorial.

MTB is adding an entry to the Table for "Ammonium hyroxide (*containing less than 12% ammonia*)", classed as ORM–A. The entry for "Ammonium hydroxide (*containing not more than 44% ammonia*)", classed as Corrosive material, is being revised accordingly. Under an MTB contract, skin corrosion tests were conducted using aqueous solutions of ammonium hydroxide containing from 1% to 20% ammonia. The data indicate that a 12% solution is corrosive and a 10% solution is not corrosive. Ammonium hydroxide containing less than 12% ammonia is classed as ORM–A because the material has a pungent odor and can irritate the eyes, skin and mucous membranes. The material is a hazardous substance.

A commenter stated that the identification number listed in the United Nations Recommendations for the Transport of Dangerous Goods for Dinitrotoluene, UN1600, is for dinitrotoluenes in liquid form and that the Table does not contain an entry for dinitrotoluenes in solid form. However, the UN Recommendations do contain a description for dinitrotoluenes in solid form with UN number 2038. MTB agrees and is adding the proper shipping name "Dinitrotoluene, solid" to the Table, assigning it identification number UN2038 and is adding "liquid" to the present entry "Dinitrotoluene" which has the identification number UN1600.

MTB is adding the proper shipping name "Infectious substance, human, n.o.s." to the Table and assigning identification number UN2814. This description is referenced to "Etiologic agent, n.o.s.". Since "Etiologic agent, n.o.s." is not an acceptable description for the international shipment of etiologic agents, the new description should fill the gap and, also, provide an alternate description for domestic shipments.

MTB is adding an entry to the Table for lead sulfate, classed as ORM–E. "Lead sulfate, solid (*containing more than 3% free acid*)" is listed by name and classed as Corrosive material. Since lead sulfate has been designated a hazardous substance, it is appropriate to include an entry for lead sulfate that is essentially free of acid and does not meet the definition of any other hazard class.

MTB is adding an entry to the Table "Sodium hydrogen sulfite, solution" classed as Corrosive material. The solid form is listed by name and classed as ORM–B. Previously, solutions of this material meeting the definition for a corrosive material had to be described generically. Since sodium hydrogen sulfite has been designated as a hazardous substance, it is appropriate to include an entry for the material in solution.

A commenter notified MTB that EPA has designated sulfur monochloride as a hazardous substance and not sulfur dichloride, as shown in the Table (i.e., Sulfur chloride (*mono and di*)). MTB agrees. The italicized "and di" portion of the existing description is deleted. A new entry for Sulfur chloride (*di*) is added.

Several commenters expressed concern that a single entry for a hazardous substance that is a pesticide may not be sufficient to cover packaging requirements for various formulated products of that pesticide. Most pesticide entries cover only the technical material. Formulated products are covered only if they are in the same state or form (i.e., solid or liquid) as the technical material. Another description would have to be chosen that allows suitable packaging (e.g., a pesticide description based on family group as per HM–126B). However, if the hazardous substance in the packaged pesticide product equals or exceeds its reportable quantity (RQ), the name of the hazardous substance must appear on the shipping paper in association with the basic description (§ 172.203(c)(1)). This situation is common for hazardous substances with RQ–1/0.454 and RQ–10/4.54. The commenters argue that another entry for each of these hazardous substances should be added to the Table. Thus, an exact description can be used to identify the pesticides regardless of the formulation. This would also aid emergency response personnel responding to an accident. MTB agrees and is adding twelve new entries to the Table. The entries include: (1) Azinphos methyl mixture, liquid; (2) Carbofuran mixture, liquid; (3) Coumaphos mixture, liquid; (4) Dichlorvos mixture, dry; (5) Disulfoton mixture, dry; (6) Disulfoton mixture, liquid; (7) Endosulfan mixture, liquid; (8) Endrin mixture, liquid; (9) Ethion mixture, dry; (10) Guthion mixture, liquid; (11) Mevinphos mixture, dry, and (12) Mevinphos mixture, liquid.

In the preamble to the final rule, MTB stated that "Sodium hydrosulfide, solid" is reclassed as Corrosive material (45 FR

34560, 34577). However, the entry in the Table was not revised and the material remained classed as Flammable solid, as originally proposed in HM-145B. Questions concerning the hazard class lingered. In the interim, the commenter restated his case that the material should be classed as Corrosive material. In addition to skin corrosion data on flaked sodium hydrosulfide containing 25% water of crystallization, the commenter submitted acute toxicity data on the material. Values reported are: oral-rat, LD_{50}=58.5 mg/kg and skin-rabbit, LD_{50}=177.8 mg/kg. The acute oral study appears to meet DOT protocol. The acute dermal study does not meet DOT protocol because an insufficient number of rabbits was used in the test. The data indicate that the material is toxic and may meet the DOT definition for Poison B via skin absorption. The commenter stated that his company is the only domestic manufacturer of this material. The company has years of experience and cited a good safety record for shipping the material, classed as Corrosive material. The company has never had a reported case of poisoning caused by the manufacture, handling, and shipment of the material. At the February 1980, meeting of the Group of Rapporteurs of the UN Committee of Experts on the Transport of Dangerous Goods, the Rapporteurs agreed to split up the present entry for sodium hydrosulfide in the UN Recommendations, depending on the water of crystallization present in a sodium hydrosulfide molecule. Water of crystallization apparently is a major factor in determining the hazards associated with sodium hydrosulfide. The Rapporteurs did not mention anything about the toxicity of the material. Accordingly, MTB is adding an entry to the Table for "Sodium hydrosulfide, solid *(with not less than 25% water of crystallization)*", classed as Corrosive material. The entry for "Sodium hydrosulfide, solid", classed as Flammable solid, has been revised to include water of crystallization in the description.

Diethylzinc is added to the Table but can not be used as a proper shipping name. This entry references Pyrophoric liquid, n.o.s. which is the appropriate shipping name for *Diethylzinc*. At a later date, MTB will consider adding *Diethylzinc* as a proper shipping name since this material is listed by name in the UN Recommendations (see UN1366) and is a recognized international description.

A commenter pointed out that tetraethyl lead is one of many compounds that can be and are used in the formulation of motor fuel antiknock compounds. Like tetraethyl lead, several of these compounds are hazardous substances (e.g., ethylene dibromide (RQ-1000/454), ethylene dichloride (RQ-5000/2270) and toluene (RQ-1000/454)). The commenter recommended that the description for the antiknock compound containing tetraethyl lead be deleted from the Table and that the basic description for antiknock compound be revised to indicate that the antiknock compound may contain a hazardous substance. MTB agrees and is deleting the entry in the Table for "Motor fuel antiknock compound *or* Antiknock compound; containing tetraethyl lead (*RQ-100/45.4*)". The description for "Motor fuel antiknock compound *or* Antiknock compound (*RQ-100/45.4*)" is revised accordingly.

MTB is adding a reference for *Delay connectors* to the Table. By error, the reference, which appeared in a final rule on detonators and detonating primers (HM-161; 44 FR 70721), was omitted from the revised Table.

Changes

MTB is changing or adding identification numbers or prefixes for 49 entries, in response to comments. Reportable quantity designations are changed in four entries, and the reportable quantity designation "(*RQ-1/.454*)" is changed to "(*RQ-1/0.454*)" wherever it appears. Reportable quantity changes include uranyl nitrate (due to an oversight); phosphorus pentasulfide (due to EPA's downward revision of the reportable quantity; see 44 FR 50777); allyl alcohol and chlorosulfonic acid-sulfur trioxide mixture (for clerical correction).

In eight other entries, an "E" and a reportable quantity designation are added. Of those eight, three are previously overlooked isomers: isobutyl acetate, isobutylamine, and isobutyric acid. Two others, "Sodium potassium alloy, liquid" and "Sodium potassium alloy, solid" are modified because sodium is a hazardous substance previously designated by EPA. "Titanium sulfate solution, *containing not more than 45% sulfuric acid*" similarly is modified because of the presence of sulfuric acid. The entry "Strychnine, solid" is modified to correct a previous error.

After considering comments concerning the 45 new descriptions for the 15 pesticide groups, MTB is adding the "n.o.s." modifier to these descriptions to improve consistency with international descriptions.

MTB is changing the order of appearance for labeling requirements for six materials, classed as Poison A, which require the additional label of either Flammable gas or Nonflammable gas. This reflects the fact that the primary label is that of the hazard class.

MTB is modifying the entry "Sulfur chloride (*mono and di*)". The entry in the May 22, 1980, Table indicated that both isomers are hazardous substances, with a reportable quantity of (RQ-1000/454). It was brought to MTB attention that only sulfur monochloride is designated as a hazardous substance by the EPA. Therefore, the entry in the Hazardous Materials Table is changed to reflect this situation. A separate entry is added for sulfur dichloride with only the *"mono"* entry being identified as a hazardous substance.

The entry "Ammonium nitrate-fuel oil mixture, (*containing only prilled ammonium nitrate and fuel oil*)" is modified by deleting the *"See"* reference and completing the line entry as specified for "Blasting agent, n.o.s." This change is made to clarify the fact that the entries for "Ammonium nitrate-fuel oil mixture" and "Blasting agent" reflect different materials and may not be used interchangeably.

For the entries disulofton, ethion, and mevinphos, the packaging references are changed to reflect packagings for technical grade organophosphorous pesticides in liquid form since these materials are liquids rather than solids.

MTB is modifying the entry for "Sodium bisulfite, solid. *See* Sodium hydrogen sulfite, solid" to include a reference for this material in solution, to reflect the new entry in the Table for "Sodium hydrogen sulfite, solution".

For the entry "Textile treating compound *or* mixture, liquid", the reference to § 173.245 in Column (5)(b) is deleted as being unnecessary since § 173.249(a) refers to § 173.245.

MTB is making four other nonsubstantive changes to the Table.

Section 172.102. The heading is revised to indicate that this section may be used only for international shipments as explained earlier in this preamble. Revisions also are made to § 172.102(a) and (b) to reflect this limitation. Since there are other uses of parentheses in paragraph (h), MTB believes that an element of possible confusion is eliminated if the parentheses are removed from each italicized hazard class entry. Therefore, the last sentence of the introductory text to paragraph (h) is revised and the parentheses are removed from the italicized hazard class entries.

Questions have been asked relative to the use of the Optional Table. The following example should resolve some of the problem area. "Mercury

compound, n.o.s., solid" is listed in § 172.101, but there is no similar entry for the liquid. Therefore, the appropriate listing for this material in § 172.101 is "Poison B, liquid, n.o.s.". The proper shipping name in § 172.102 is "Mercury compound, n.o.s.", if it is inorganic. The packaging is that prescribed for the "Poison B, liquid, n.o.s." in § 172.101 since all packaging references and limitations for § 172.102 entries are found in § 172.101.

An error in the definition of IMCO Division 3.3 has been corrected by amending the upper flash point limit to include liquids with a flash point of 141° F.

Five minor errors or omissions in the Optional Table are corrected. In addition, one commentator pointed out that the entry "Paint, enamel, lacquer, * * * lacquer base *and* thinner, etc." should read "Paint, enamel, lacquer, * * * lacquer base *or* thinner, etc." MTB agrees and is amending the entry accordingly. One commentator requested that the description "Ethyl fluid" be authorized as an alternate proper shipping name for the entry "Motor fuel anti-knock mixtures" as provided in the IMCO Code. MTB recognizes that the description "Ethyl fluid" is authorized under virtually all international hazardous materials transportation regulations whereas "Motor fuel anti-knock mixtures" is not. For this reason, MTB is including the entry "Ethyl fluid" in roman type with a cross reference to the principal IMCO description "Motor fuel anti-knock mixtures."

Numeric-Alpha index. The numeric-Alpha index contained in Appendix A to Subpart B or Part 172 is revised in its entirety to provide necessary corrections and additions.

Section 172.201. To clarify the intent of the requirement in paragraph (a)(1)(iii) an editorial change is made to show that the letters "RQ" required by § 172.203(c)(2) may be entered in the "HM" column in place of the "X" when appropriate, and when so placed will meet the requirements for both the "X" and the "RQ." This editorial change also clarifies the intent that the letters "RQ" are not required to be entered in the "HM" column. This change is based on a request for clarification.

Section 172.202. Paragraph (a) is revised to show that the intent of the regulation is to prescribe four elements for the shipping description, and that the basic description consists of the first three elements of the shipping description. Paragraph (a)(1) is revised to reflect the limitation on the use of the Optional Table. Paragraph (a)(2) is revised to limit the provision allowing the shipping name to be used as the class designation to instances where shipping names describe only one hazard class. It is believed that an entry such as "Flammable liquid, corrosive, n.o.s." without a showing of the hazard class on a shipping paper would lead to confusion when determining placarding requirements and possible packaging and labeling requirements. Paragraph (a)(3) is revised to correct "preceded." Paragraph (c)(2) is revised to authorize the entry of destination marks on the shipping paper as requested in a petition. MTB believes that allowing such entries will not adversely affect safety and will contribute to the facilitation of commerce.

Section 172.203. Paragraph (c)(1) is revised to clarify the requirement that the names of hazardous substances that are not identified in the proper shipping names must be obtained from § 172.101 and entered on shipping papers in association with the basic description.

Paragraph (e)(1) is revised editorially to delete an inconsistency and to clarify the requirements of the regulation.

Paragraph (i)(2) is revised with the addition of paragraph (iii) to indicate July 1, 1981, as the date on which more than one hazardous material in a mixture must be identified when the proper shipping name does not identify the materials.

The effective date for the requirement in paragraph (j) for entering "Dangerous When Wet" on a shipping paper is delayed to July 1, 1981, to be consistent with other new shipping paper requirements. Paragraphs (k)(1) and (k)(2) are revised to clarify the intent of the regulation.

Section 172.300. This section has been redesignated to provide an applicability section similar to the other subparts in Part 172. The requirements that were in § 172.300 are set forth in § 172.301.

Section 172.301. Paragraph (a) is revised to clarify the requirement that the identification number marking on packages must be preceded by "UN" or "NA" as appropriate unless otherwise prescribed. A provision was included in § 172.202(a)(3), but was omitted in this section. Also, paragraph (a)(1) is added to reference § 172.101(c)(10) and to preclude duplicative marking by adding an exception which allows the EPA marking specified in 40 CFR 262.32 to be used in place of adding the word "waste" to a proper shipping name on a package.

Paragraph (c) is revised for clarification of exceptions from the marking requirements. Paragraph (c)(3) is added to specify a July 1, 1981, effective date to provide additional time to change package markings relative to proper shipping names adopted or changed by Amendment No. 172–58. Also, a note is added to the section referencing EPA marking requirements for hazardous wastes.

Section 172.302. Paragraph (a) is revised by the addition of a reference to § 172.102 and is corrected to show that more than one technical name may have to be identified in the same manner as required by § 172.203(i)(2). Paragraph (b) is revised to be consistent with § 172.203(i)(2). A new paragraph (c) is added extending the date for compliance to July 1, 1981, relative to showing more than one hazardous material in a mixture.

Section 172.308. The first line of paragraph (a) is revised to indicate that the intent of the restriction against the use of abbreviations is limited to the proper shipping name. In the first line of paragraph (a)(1) the word "on" is changed to "of" to correct an earlier error that was made in HM–112/HM–103 when the requirement was transferred from § 173.400.

Section 172.316. A clarifying phrase is added to the introductory text of paragraph (a) to specify that the ORM marking requirement is applicable only to packagings having a capacity of 110 gallons or less. Paragraph (c) is revised to refer to all of Subpart (C) of Part 172 relative to the applicability of certification requirements.

Section 172.324. The section is revised by changing the section heading to "Hazardous substances" and by revising paragraph (a) by specifying the "proper shipping name" rather than the "basic description." In paragraphs (a) and (b), the addition of the words "having a capacity of 110 gallons or less" to paragraph (b) eliminates the need for an exception in paragraph (c) for portable tanks, cargo tanks and tank cars, and it also excludes vehicles such as hopper cars.

Section 172.326. In subparagraph (a)(2) and paragraph (d), "(when authorized)" is added following the references to § 172.102. A commentator requested deletion of the requirement in paragraph (d) for displaying the identification number on a transport vehicle if the identification number on a portable tank is not visible. MTB is not changing the requirement since the intent of requiring display of identification numbers is to have the numbers visible at all times when hazardous materials are transported in packagings having rated capacities greater than 110 gallons regardless of the transport configuration.

Section 172.328. Paragraph (a) is revised to clarify the regulation to show that § 172.102 may be used only when authorized. Paragraph (a)(1) is revised to

require a person who offers a hazardous material in a cargo tank to provide the required identification numbers on placards or to affix orange panels bearing the required identification numbers unless the cargo tank is already marked for the material in accordance with paragraph (f) of this section or § 173.29(c). Paragraph (b) is revised to clarify the requirement for displaying names of materials on each side and each end of cargo tanks as was previously specified in § 172.328(b).

Section 172.330. Subparagraphs (a)(2), (c)(1) and (e) are revised to add "(when authorized)" after the reference to § 172.102. The introductory text to paragraph (g) is revised to accept tank cars containing residue of combustible liquids from the marking retention requirement consistent with § 174.25(c).

Section 172.332. This section is revised and consolidated with the specifications previously in § 172.334 to place all the identification number presentation requirements in one section. Paragraph (c)(4) requires that the bottom portion of a COMBUSTIBLE placard be white for transportation by railroad and highway if it is used for the display of an identification number. MTB believes it is necessary to provide a distinction between a FLAMMABLE and a COMBUSTIBLE placard because of differing requirements relative to car placement and access to tunnel and bridge facilities.

Section 172.334. This revision includes identification marking prohibitions, some of which were omitted from the rule. Paragraph (a) prohibits display of identification numbers on POISON GAS, RADIOACTIVE and EXPLOSIVES placards. Paragraph (b) prohibits the display of an identification number unless the package, freight container or transport vehicle contains the hazardous material associated with that identification number. Paragraph (c) species that only the placard required by § 172.504 may be used for display of an identification number. Paragraph (d) indicates that a placard with an identification number does not accomplish compliance with the placarding requirements unless the identification number is correct for all hazardous materials of the same class in the transport vehicle or freight container. For example, the number to identify acetone in a portable tank is appropriate for identification of the acetone in the portable tank (as required) and also acetone in drums (even though not required). However, the display does not accomplish the placarding requirement if other materials of the Flammable liquid class (e.g. Acrolein) are loaded in the same vehicle or freight container.

Section 172.336. Subparagraph (b)(1) is added to include a provision for locating an identification number on the plain white square-on-point background for those materials not subject to placarding requirements. Subparagraphs (c)(2) and (c)(3) provide for use of placards bearing GASOLINE and FUEL OIL as authorized by § 172.542(c) and § 172.544(c) respectively instead of display of identification numbers. Subparagraph (c)(4) contains a revision indicating gasoline is considered to be a distillate fuel. Subparagraph (c)(5) provides for display of the identification number of the liquid distillate fuel having the lowest flash point of any liquid distillate fuel carried in a cargo tank. This provision will eliminate the need for continuous changes in identification numbers in many operations where gasoline and fuel oil are transported in the same cargo tank on different trips during the same day.

Section 172.338. This section is revised to require replacement of an identification number when more than one display is lost or destroyed during transportation. In such a situation all required identification numbers must be replaced as soon as practicable. Several commenters mentioned varied colored indelible marking materials. Since all identification numbers are black, only a black indelible marking material will be necessary for entering replacement numerals by hand.

Section 172.400. Paragraph (b)(8) is revised to include a labeling exception for a package containing ORM–E and no other hazardous material that requires a label. This exception was omitted from the rule.

Section 172.407, 172.415, 172.417, 172.419 and 172.423. These sections are revised to provide for labeling in conformance with international requirements. MTB regards several of the label options as significant improvements in presentation. For example, white printing on a green label is much more visible than black printing. Therefore, use of the print color options provided in this revision is encouraged.

Section 172.500. Paragraph (b)(2) is revised to include a placarding exception for packages containing only material classed as ORM–E. This exception was omitted from the rule.

Section 172.516. Paragraph (c)(5) is revised to include a requirement that identification numbers be displayed horizontally on placards. This provision was omitted from the rule.

Section 172.519. The last sentence of paragraph (d) is revised to reference the requirement in § 172.332(c)(4) indicating when the lower portion of the COMBUSTIBLE placard must be white.

Section 173.8. Paragraph (a) is revised to require that hazardous wastes and hazardous substances transported from Canada to or through the United States must be in compliance with the DOT hazardous materials regulations pertaining to those materials. This revision is considered essential since there are no comparable hazardous substance or hazardous waste requirements in the regulations of the Canadian Transport Commission.

Section 173.21. Paragraph (b)(3) is added for organic peroxides to provide an option for determination of controlled temperature requirements in accordance with the UN Recommendations. United States representatives participated in the UN meetings at which these recommendations were developed and agreed upon. MTB has been advised that shippers of organic peroxides in the United States have been shipping organic peroxides in accordance with the UN recommendations for approximately eight years even though there were no comparable requirements in DOT regulations. In consideration of the good experience resulting from use of the recommendations, MTB believes they should be recognized in the rule as an alternative to the basic limitation specified in paragraph (b).

Section 173.29. Subparagraph (a)(1) is revised for clarity. Paragraph (d) is added to prohibit display of labels and markings (other than specification identification markings) that, if displayed, would indicate the presence of a hazardous material in a package. An exception is provided when closed transport vehicles and freight containers are used and such packages are not handled by transportation and terminal workers during transportation. This latter limitation is accomplished by the condition that loading be performed by the shipper and unloading by the shipper or consignee. As stated, this paragraph also responds to the numerous inquiries MTB has received relative to the display of labels on newly manufactured packagings that are transported to shippers of hazardous materials.

Paragraph (a)(3)(ii) is revised to include contract carriers which were omitted from the rule although discussed in the preamble to the rule.

Section 173.118a. Paragraph (b) is revised to clarify the requirements pertaining to a combustible liquid that is a hazardous substance or a hazardous waste when in a packaging having a rated capacity of 110 gallons or less.

Section 173.245. Paragraph (b) is revised to exclude hazardous wastes.

and hazardous substances from the exception contained in this paragraph for materials corrosive only to steel.

Section 173.364. The parenthetical statement at the end of paragraph (a) is revised to correct the omission of the reference to Part 174.

Section 173.500. The information formerly in the Note following paragraph (a) is added as paragraph (d)(3) of § 172.101. A new (revised) note is added to clarify the applicability of certain packaging requirements that are modal specific, thereby precluding the application of new packaging requirements for materials that are hazardous substances and hazardous wastes when transported by modes not referenced. In such cases, the requirements of § 173.510 will apply.

Section 174.25. The Table in paragraph (a)(2) is revised to reflect the placarding change for Explosive C shown in Table 2 of § 172.504. Paragraph (b)(1) is revised to require that hazardous materials be described in the same manner as specified in § 172.202.

Paragraph (c) is revised to correctly show the elements of basic description and to correct the example of the shipping paper entry.

Section 175.45. A proposal to revise paragraph (d) of this section was published in the February 22, 1979, NPRM for HM–145B (44 FR 10676). However, MTB did not adopt the requirement as explained in the preamble to the rule (45 FR 34586). Upon further consideration, MTB recognizes that a discharge of a hazardous substance in a reportable quantity could occur at airport terminals and enter navigable waters. Therefore, MTB has adopted a hazardous substance discharge reporting requirement for operators of aircraft.

Section 177.817. An exception is added to paragraph (b) to maintain the requirement for certification of hazardous waste shipments. This omission was an oversight in the rule resulting in an inconsistency with revised paragraph (b)(1) of § 172.204.

As an aid to the reader, the amendment sequential reference number appearing with the section number in the May 22, 1980, rulemaking is entered in parentheses immediately after the sequence reference number in this rulemaking. For example the § 171.8 amendment was number 5 in the previous rulemaking and is number 3 here. Thus, it appears as "3. (5.) In § 171.8 the definition, etc." Readers are advised that in reviewing the revisions contained in this document, they will have to refer to the May 22, 1980, final rule (45 FR 34560) as well as to 49 CFR, Parts 171–175 and 177 (October 1, 1979).

In consideration of the foregoing, Federal Register Document 80–15510 published May 22, 1980, (45 FR 34560) and Part 175 of Title 49 Code of Federal Regulations are revised and amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. (3.) In § 171.3 the first line of paragraph (d) is revised to read as follows:

§ 171.3 Hazardous waste.

* * * * *

(d) If a discharge of hazardous waste or other hazardous material * * *.

* * * * *

§ 171.7 [Amended]

2. (4.) In § 171.7 the mailing address for OPPSD in paragraph (c)(28) is revised to read "355 Lexington Avenue, New York, N.Y. 10017."

3. (5.) In § 717.8 the definition of "Hazardous substance" is revised; the definition of "Name of contents" is revised by adding the words "or § 172.102 (when authorized)" after the reference to § 172.101 in the third line; a definition of "Reportable quantity (RQ)" is added in alphabetical sequence to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

"Hazardous substance", for the purposes of this subchapter, means a material, and its mixtures or solutions, that is identified by the letter "E" in Column 1 of the Table to § 172.101 when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels; or to a mixture or solution containing a material identified by the letter "E" in Column 1 of the Table to § 172.101 if it is in a concentration less than that shown in the following table based on the reportable quantity (RQ) specified for the materials in Column 2 of the Table to § 172.101:

RQ pounds	RQ kilograms	Concentration by weight	
		Percent	PPM
5,000	2,270	10	100,000
1,000	454	2	20,000
100	45.4	.2	2,000
10	4.54	.02	200
1	.45	.002	20

* * * * *

"Reportable quantity (RQ)" for the purposes of this subchapter means the quantity specified in Column 2 of the Table to § 172.101, for any material identified by the letter "E" in Column 1.

* * * * *

4. (6.) In § 171.12 paragraph (b) is revised to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) Except for Class A and Class B explosives and radioactive materials, a hazardous material which is classed and labeled in accordance with the conditions and limitations specified in § 172.102 of this subchapter when being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation and transported within the United States if it is otherwise offered, accepted, and transported in accordance with this subchapter. In addition, an appropriate shipping name specified for a material in § 172.102 may be substituted for its proper shipping name in § 172.101 (subject to the conditions and limitations of this paragraph and § 172.102) if all or a portion of the transportation of the material is by vessel.

* * * * *

5. (9.) In § 171.17 the first two lines of paragraph (a) are revised as follows: and the word "removed" in line four of paragraph (c) is deleted and replaced by the word "unremoved".

§ 171.17 Hazardous substance discharge notification.

(a) When a hazardous substance is discharged in a reportable quantity from one package or transport vehicle if not packaged (accidentally or * * *

* * * * *

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

6. (12.) In § 172.101 paragraph (b)(1) is revised by deleting of the parentheses and the words within the parentheses in lines four and five; paragraphs (c)(9), (c)(10) and (j) are revised; the introductory text to paragraph (c)(11) is revised; paragraph (c)(12) is deleted and reserved; and paragraph (d)(3) and paragraph (g)(1) are added to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(c) * * *

(9) The numbers in italics following a proper shipping name of a material identified by the letter "E" in Column 1 specify, in pounds and kilograms, the minimum quantity of the material that constitutes a reportable quantity, excluding water and other formulating materials. For example: Ammonia solution, (*RQ–1000/454*) means that the reportable quantity for the Ammonia is 1,000 pounds or 454 kilograms. Any formulating material that is identified by the letter "E" in Column 1 of the Table to § 172.101 and used in a mixture or solution must be evaluated independently for the RQ determination. For example, if Mevinphos (*RQ–1/0.454*) is mixed with Xylene (*RQ–1000/454*) and is in a 10 lb. package described as "Organophosphorus pesticide, liquid, n.o.s.", Mevinphos could be in a reportable quantity, but there could not be a reportable quantity of the Xylene present in that package.

(10) If the word "waste" is not included in the hazardous material description in the Table, the proper shipping name for a hazardous waste must include the word "Waste" preceding the shipping name of the material. For example: Waste acetone.

(11) A mixture or solution comprised of a hazardous material identified in the Table by technical name and non-hazardous material may be described using the proper shipping name of the hazardous material, if—

* * * * *

(12) (Reserved)

* * * * *

(d) * * *

(3) Notwithstanding the ORM class shown for a material in Column 3, such a material having a flash point of 100°F. to 200°F. is classed as Combustible liquid when in a packaging having a rated capacity of more than 110 gallons.

* * * * *

(g) * * *

(1) Each reference to a section in Column 5(b) for an ORM A, B, or C that is a hazardous waste or a hazardous substance is modified to read § 173.510 if the section referenced is applicable only to a particular mode (or modes) and the material is transported by a mode not addressed in the section.

* * * * *

(j) If any entry in the Table is changed by an amendment to this subchapter, such a change does not apply to the shipment of any package filled prior to the effective date of the amendment, unless specifically stated otherwise in the amendment or the "Effective date" entry in its preamble.

* * * * *

§ 172.101 [Amended]

6a. (12) The Hazardous Materials Table to § 172.101 is amended as follows:

(a) For the following entries the identification numbers in Column 3A are changed or added as indicated.

Entry	Present	Change
Acetonitrile	UN1648	NA1648
Alkaline battery fluid	NA2797	UN2797
Allethrin	.....	NA2902
Ammonium nitrate (no organic coating).	NA1942	UN1942
Ammonium nitrate, solution	NA2426	UN2426
Benzaldehyde	UN1989	NA1989
Calcium, metal	NA1401	UN1401
Cresol	NA2076	UN2076
Crude oil, petroleum (2 entries)	NA1993	UN1267
Cyanide solution, n.o.s.	NA1588	UN1935
Ethyl phosphonous dichloride, anhydrous.	NA1760	NA2845
Formic acid, solution	NA1779	UN1779
Gasoline	NA1257	UN1203
Hydrogen floride	NA1790	UN1052
Hypochlorite solution (classed as corrosive material).	NA1791	UN1791
Lithium metal in cartridges	NA1415	UN1415
Liquefied nonflammable gas	NA1956	NA1058
Magnesium scrap	NA2793	NA1869
Mercuric iodide, solution	NA1638	UN1638
Mercurous iodide, solid	NA1638	UN1638
Metal borings, shavings, turnings or cuttings.	NA2793	UN2793
Methyl bromide, liquid (including up to 2 percent Chloropicrin).	NA1581	UN1062
Methyl butene	NA2460	UN2460
Methyl phosphorous dichloride	NA1760	NA2845
Mine rescue equipment containing carbon dioxide.	.....	NA1956
Monochloroacetone, stabilized or inhibited.	NA1695	UN1695
Mortar stain, liquid (2 entries)	NA1993	UN1263
Nitrating acid, spent	NA1796	NA1826
Nitrochlorobenzene (2 entries)	NA1578	UN1578
Nitrohydrochloric acid, diluted	NA1798	UN1798
Nitrostarch, wet with not less than 30 percent alcohol or solvent.	NA1993	UN1337
Organic peroxide, solid, n.o.s.	.....	NA9187
Oxygen	NA1072	UN1072
Oxygen, pressurized liquid	NA1073	UN1073
Poisonous liquid, n.o.s. or Poison B, liquid, n.o.s..	NA2810	UN2810
Poisonous liquid or gas, n.o.s.	NA9035	NA1955
Poisonous solid, n.o.s. or Poison B, solid, n.o.s..	NA2811	UN2811
Propionic acid, solution	NA1848	UN1848
Rubber, scrap or Rubber buffings.	NA1345	UN1345
Rubber, shoddy or Rubber, regenerated or Rubber, reclaimed.	NA1345	UN1345
Rubidium metal, in cartridges	NA1423	UN1423
Self-lighting cigarette	NA1325	UN1867
Sodium fluoride, solution	NA1690	UN1690
Titanium metal powder, dry or wet with less than 20 percent water.	NA2546	UN2546
Titanium metal powder, wet with 20 percent or more water.	NA1352	UN1352
Toluene sulfonic acid, liquid	NA2584	UN2584
Urea nitrate, wet with 10 percent or more water.	NA1357	UN1357

(b) For the following entries, the reportable quantity designations are changed or added as indicated.

Entry	Present	Change
Chlorosulfonic acid-sulfur trioxide mixture.	(RQ–1000/45.4)	(RQ–1000/454)
Allyl alcohol	(RQ–100/45.5)	(RQ–100/45.4)
Phosphorous pentasulfide.	(RQ–1000/454)	(RQ–100/45.4)
Uranyl nitrate, hexahydrate, solution.	.....	(RQ–5000/2270)

(c) For all entries in the Table where a reportable quantity is shown as (*RQ–1/.454*), the value is changed to read (*RQ–1/0.454*).

(d) For the following entries an "E" is added in Column 1 and the indicated reportable quantity is added in Column 2:

Electrolyte (acid) battery fluid (not over 47 pct acid).	(RQ–1000/454)
Isobutyl acetate	(RQ–5000/2270)
Isobutylamine	(RQ–1000/454)
Isobutyric acid	(RQ–5000/2270)
Sodium potassium alloy, liquid	(RQ–1000/454)
Sodium potassium alloy, solid	(RQ–1000/454)
Strychnine, solid	(RQ–10/4.54)
Titanium sulfate, solution containing not more than 45 pct sulfuric acid.	(RQ–1000/454)

(e) In the description "Sulfur chloride (*mono and di*)", the words "*and di*" are deleted.

(f) For the two entries "Ammunition for cannon with tear gas projectile" the letter "E" in the word "Explosive" for the Hazard Class in Column 3 is changed from upper to lower case.

(g) For the entry "Benzyl chloroformate" the word "material" is added to the Hazard Class in Column 3.

(h) For the 45 new descriptions for pesticides containing the partial descriptions listed below, the letters "n.o.s." are added to the hazardous materials descriptions in Column 2, and the parenthetical modifiers are placed following the "n.o.s." notation. For example: "Arsenical pesticide (*compounds and preparations*), liquid" is changed to "Arsenical pesticide, liquid, n.o.s. (*compounds and preparations*)".

1. Arsenical pesticide
2. Benzoic derivative pesticide
3. Bipyridilium pesticide
4. Carbamate pesticide
5. Copper based pesticide
6. Dithiocarbamate pesticide
7. Mercury based pesticide
8. Nitrophenol pesticide, substituted
9. Organochlorine pesticide
10. Organophosphorus pesticide
11. Organotin pesticide
12. Phenoxy pesticide
13. Phenylurea pesticide
14. Phthalimide derivative pesticide
15. Substituted nitrophenol pesticide
16. Triazine pesticide

(i) The description "Ammonium hydroxide (*containing not more than 44% ammonia*)" is changed to read "Ammonium hydroxide (*containing not less than 12% but not more than 44% ammonia*)."

(j) For the description "Arsenic chloride (*arsenious*) liquid. *See* Arsenic trichloride", the word "(*arsenious*)" is deleted.

(k) The description "*Blasting caps with detonating cord. See* Detonators and Detonating primers", the "*See*" reference is changed to read "* * * *See* Detonators, Class A *or* Class C explosives *and* Detonating primers, Class A *or* Class C explosives."

(l) for the entry "Detonators, Class A explosives. *See 173.53*" the spelling of the word "Explosite" in Column 4 is corrected to read "Explosive."

(m) In the description "Diesel Fuel. *See* Fuel oil" the letter "F" in the first "Fuel" is changed from upper to lower case.

(n) for the entry "Disulfoton" the packaging reference in Column 5(a) is changed to read "None" and the reference in Column 5(b) is changed to read "173.358."

(o) For the entry "Ethion" the indicated references are changed to read as follows: in Column 5(a) "173.345"; in Column 5(b) "173.346"; and in Column 7(b) "1, 2".

(p) In the description "Di-tert-Butyl peroxide, *technically pure. See* * * *", the letter "B" in Butyl is changed from upper to lower case.

(q) In the description "*Fabric with animal or* vegetable oil. See * * *" the words "vegetable oil. See" are italicized.

(r) In the description "Ferrous arsenate (*iron arsenate*), solid" the words "(*iron arsenate*)" are deleted.

(s) In the description "Fuel oil, Diesel. *See* Fuel Oil." the letter "D" in "Diesel" is changed from upper to lower case.

(t) For the entry "Isopropanol" the vessel stowage requirements in Column 7(a) are changed to "1, 2" and in Column 7(b) are changed to "1".

(u) For the entry "Isopropyl acid phosphate, solid," the spelling of the word "mate,rial" in Column 3 is corrected to read "material."

(v) In the description "Lacquer base *or* Lacquer chips, plastic (*Wet with alcohol or solvent*)", the "W" in the word "*Wet*" is changed from upper to lower case, and the identification number in Column 3A is changed to "UN1263".

(w) The description "Mercury compound, n.o.s., solid" is changed to read "Mercury compound, solid, n.o.s."

(x) For the entry "Mevinphos" the references in the following columns are changed as follows: 5(a) "None"; 5(b) "173.358"; 7(a) "1, 2"; and 7(b) "5".

(y) For the entry "Mining reagent, liquid (*containing 20% or more cresylic acid*)" the reference in Column 5(b) to § 173.245 is deleted.

(z) For the entry "Motor fuel antiknock compound *or* Antiknock compound (*RQ 100/45.4*)", the entry in Column 2 is changed to read "Motor fuel antiknock compound *or* Antiknock compound (*these materials may contain various hazardous substances for which the appropriate RQ applies*)".

(aa) In the description "Organic peroxide liquid *or* solution, n.o.s." (classed as Flammable liquid), a comma is added after the word "peroxide".

(bb) In the description "Organic peroxide, liquid, *or* solution, n.o.s." (classed as Organic peroxide), the comma after the work "liquid" is deleted.

(cc) The description "*Primer detonating. See* Detonating primers" is changed to read "*Primers detonating. See* Detonating primers, Class A *or* Class C explosives."

(dd) The description "Sodium arsenite (*solution*), liquid" is changed to read "Sodium arsenite, liquid, (*solution*)".

(ee) The description "Sodium bisulfite, solid. *See* Sodium hydrogen sulfite, solid" is changed to read "Sodium bisulfite, solid *or* solution. *See* Sodium hydrogen sulfite, solid *or* solution."

(ff) For the entry "Strychnine salt, solid (*RQ 10/4.54*)" the "E" in Column 1 is deleted and (*RQ 10/4.54*) in Column 2 is deleted.

(gg) The description "Mercuric oxycyanide, solid" is changed to read "Mercuric oxycyanide, solid (*desensitized*)."

(hh) For the descriptions "Flammable gas, n.o.s." and "Compressed gas, n.o.s." (classed as Flammable gas), the plus (+) in Column 1 is deleted.

(ii) In the entry for "Textile treating compound *or* mixture, liquid" the reference in Column 5(b) to 173.245 is deleted.

(jj) In the description "*Acetyl acetone peroxide with more that 9% by weight active oxygen*" the word "*that*" is corrected to read "*than*".

(kk) In the description "Di-n-propyl peroxydicarbonate, *technically pure. See* Organic peroxide, solid, n.o.s." the word "solid" is changed to read "liquid".

(ll) The description "Dinitrotoluene" is changed to read "Dinitrotoluene, liquid".

(mm) For the descriptions "Arsenic trisulfide" and "Mexacarbate" a "1" is added to the Columns 7(a) and 7(b).

(nn) For all descriptions listed below, classed as a Poison A and requiring dual labels with either a Flammable gas or a Nonflammable gas label, the order of entry of the labels required in Column 4 is reversed. For example: For the entry "Hydrocyanic acid, liquefied", the entry in Column 4 is changed to read "Poison gas and Flammable gas".

1. Chloropicrin and methyl chloride mixture.

2. Chloropicrin and nonflammable, nonliquefied compressed gas mixture.

3. Cyanogen chloride.

4. Cyanogen gas.

5. Hydrocyanic acid solution (*5% or more hydrocyanic acid*).

6. Hydrocyanic acid, liquefied.

(oo) For the entry "Hazardous waste, liquid *or* solid, n.o.s." the reference in Column 5(a) is changed to read "None".

(pp) The description "Ammonium citrate" is changed to read "Ammonium citrate, dibasic".

(qq) In the entry "Xylene" the following columns are changed to read: 6(b) "10 gallons" and 7(b) "1".

(rr) In the description "Plutonium nitrate solution" a comma (,) is added after the word "nitrate".

(ss) In the description "Metal alkyl solution, n.o.s." a comma (,) is added after the word "alkyl".

(tt) The description "Life-rafts, inflatable" is changed to read "Life raft, inflatable".

(uu) For the entry "Mercuric iodide solution" a comma is added after the word "iodide" and the identification number in Column 3A is changed to read "UN1638".

(vv) The description "Sodium hydrosulfide, solid (*RQ 5000/2270*)" (classed as Flammable solid), is changed to read "Sodium hydrosulfide, solid *(with less than 25% water of crystalization) (RQ 5000/2270).*"

(ww) In the entry "Decaborane" the following columns are changed to read: 5(a) "None"; 5(b) "173.236"; 6(a) "Forbidden"; and 6(b) "25 pounds."

(xx) In the entry "Dichlorobutene" the following columns are changed to read: 4 "Flammable liquid", and 6(b) "10 gallons."

(yy) The following are additions and deletions to the Table, with exception of the "Ammonium nitrate-fuel oil mixture" entry which is a change.

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§172.101 Hazardous Materials Table

1

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	• • •										
	ADDITIONS										
	• • •										
EAW	Ammonium hydroxide (*containing less than 12% ammonia*) (*RQ-5000/2270*)	ORM-A	NA2672	None	173.505	173.510	10 gallons	55 gallons	1	1	
	Ammonium nitrate - fuel oil mixture (*containing only prilled ammonium nitrate and fuel oil*)	Blasting agent		Blasting agent	None	173.114a	Forbidden	100 pounds	1,2	1,2	
E	Azinphos methyl mixture, liquid (*RQ-1/0.454*)	Poison B	NA2783	Poison	173.345	173.346	1/2 pint	1 quart	1,2	5	
E	Carbofuran mixture, liquid (*RQ-10/4.54*)	Poison B	NA2757	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
E	Coumaphos mixture, liquid (*RQ-10/4.54*)	Poison B	NA2783	Poison	173.345	173.346	1/2 pint	1 quart	1,2	5	
	Delay connectors. See Detonators, Class A *or* Class C explosives *and* Detonating primers, Class A *or* Class C explosives										
E	Dichlorvos mixture, dry (*RQ-10/4.54*)	Poison B	NA2783	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Diethylzinc. See Pyrophoric liquid, n.o.s.										
E	Dinitrotoluene, solid (*RQ-1000/454*)	ORM-E	UN2038	None	None	173.510	No limit	No limit	1,2	1,2	
E	Disulfoton mixture, dry (*RQ-1/0.454*)	Poison B	NA2783	Poison	173.377	173.377	Forbidden	200pounds	1,2	4	
E	Disulfoton mixture, liquid (*RQ-1/0.454*)	Poison B	NA2783	Poison	173.359	173.359	1/2 pint	1 quart	1,2	5	
E	Endosulfan mixture, liquid (*RQ-1/0.454*)	Poison B	NA2761	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
E	Endrin mixture, liquid (*RQ-1/0.454*)	Poison B	NA2761	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
E	Ethion mixture, dry (*RQ-10/4.54*)	Poison B	NA2783	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
E	Guthion mixture, liquid. *See* Azinphos methyl mixture, liquid										
	Infectious substance, human, n.o.s. *See* Etiologic agent, n.o.s.		UN2814								
E	Lead sulfate (*RQ-5000/2270*)	ORM-E	NA2291	None	None	173.510	No limit	No limit	1,2	1,2	
E	Mevinphos mixture, dry (*RQ-1/0.454*)	Poison B	NA2783	Poison	173.377	173.377	Forbidden	200 pounds	1,2	4	
E	Mevinphos mixture, liquid (*RQ-1/0.454*)	Poison B	NA2783	Poison	173.359	173.359	1/2 pint	1 quart	1,2	5	
E	Sodium hydrogen sulfite, solution (*RQ-5000/2270*)	Corrosive material	NA2693	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	
E	Sodium hydrosulfide, solid, (*with not less than 25% water of crystallization*) (*RQ-5000/2270*)	Corrosive material	NA2923	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
	Sulfur chloride (*dl*)	Corrosive material	UN1828	Corrosive	None	173.247	Forbidden	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	• • •										
	DELETIONS										
	• • •										
	Ammonium nitrate - fuel oil mixture (*Containing only prilled ammonium nitrate and fuel oil*). *See* Blasting agent, n.o.s.										
E	Motor fuel antiknock compound *or* Antiknock compound; containing tetraethyl lead (*RQ-100/45.4*)	Poison B	UN1649	Poison	None	173.354	Forbidden	55 gallons	1	5	If flashpoint is less than 141 DEG F, segregation same as for flammable liquids

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7. (13.) in § 172.102 the word "parentheses" inside the parentheses in line thirteen of paragraph (h) is deleted and replaced by the word "italics"; and the parentheses are deleted from the italicized hazard class words in paragraphs (h)(1) through (h)(9); and the heading and paragraphs (a) and (b) are revised to read as follows:

§ 172.102 Purpose and use of Optional Hazardous Materials Table for international shipments.

(a) The Optional Hazardous Materials Table (Optional Table) set forth in this section provides descriptions, classifications, labeling and vessel stowage requirements which may be used for international shipments as authorized by § 171.12 of this subchapter. The Optional Table provides alternatives to corresponding requirements in § 172.101 subject to conditions set forth in this section. The provisions of this section do not apply to materials designated as hazardous materials under this subchapter that are not subject to the requirements of the IMCO Code. This section does not designate materials as hazardous materials and it does not specify packaging requirements, exceptions or limitations. They are made only in § 172.101. A number of materials listed in the Optional Table may not be subject to the requirements of this subchapter, but they are subject to regulation under widely applied international standards. They are listed in this section in the interest of providing consistency with those standards and to alert persons offering or accepting these materials for transportation that the materials may be subject to regulation in international transport.

(b) A material described, classed and labeled in accordance with this section must be in conformance with all additional defining or limiting conditions prescribed for the description in the appropriate schedule of the IMCO Code.

* * * * *

(h) * * *

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(3) Class 3—Flammable liquids.

(i) Division 3.1-Low flash point group (liquids with flash points below 0°F.). *Flammable liquid*

(ii) Division 3.2—Intermediate flash point group (liquids with flash points of 0°F. or above but less than 73°F). *Flammable liquid*

(iii) Division 3.3—High flash point group (liquids with flash points of 73°F. or above up to and including 141°F.). *Flammable liquid or Combustible liquid*

7a. (13.) The Optional Hazardous Materials Table to § 172.102 is amended as follows:

(a) For the description "Acrylamide", the entire second line of the entry is deleted.

(b) The description "Motor fuel anti-knock mixtures" is changed to read "Motor fuel anti-knock mixtures *or* Ethyl fluid".

(c) A second entry "Alkylamines and polyamines, *flashpoint 23 deg C and above, boiling point above 35 deg C but not more than 200 deg C, n.o.s.*", is added below the present "Alkylamines, etc." entry in Column 2 to complete the line entry for which a description was omitted.

(d) In the description "Paint, enamel, lacquer, stain, shellac, varnish, polish, filler (liquid), lacquer base *and* thinner (*not including substances containing nitrocellulose for which See* Nitrocellulose)" the word *"and"* is changed to *"or"*.

7b. The Numeric—Alpha index in Appendix A to Subpart B of Part 172 is revised to read as follows:

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APPENDIX A - IDENTIFICATION NUMBER CROSS REFERENCE TO PROPER SHIPPING NAMES IN §172.101 AND §172.102

This listing is provided for information purposes only.

(1) Identification Number	(2) Source 172.***	(3) Description
UN 0001	102	Alarm devices, explosive
UN 0004	102	Ammonium picrate
UN 0005	102	Cartridges for weapons
UN 0006	102	Cartridges for weapons
UN 0007	102	Cartridges for weapons
UN 0009	102	Ammunition, incendiary
UN 0010	102	Ammunition, incendiary
UN 0012	102	Cartridges for weapons
UN 0014	102	Cartridges for weapons, blank
UN 0015	102	Ammunition, smoke
UN 0016	102	Ammunition, smoke
UN 0018	102	Ammunition, tear producing
UN 0019	102	Ammunition, tear producing
UN 0020	102	Ammunition, toxic
UN 0021	102	Ammunition, toxic
UN 0022	102	Amorces
UN 0027	102	Black powder
UN 0028	102	Black powder, compressed
UN 0029	102	Blasting caps, non-electric
UN 0030	102	Blasting caps, electric
UN 0033	102	Bombs
UN 0034	102	Bombs
UN 0035	102	Bombs
UN 0037	102	Bombs, photo-flash
UN 0038	102	Bombs, photo-flash
UN 0039	102	Bombs, photo-flash
UN 0042	102	Boosters
UN 0042	102	Gaines, without detonator
UN 0043	102	Bursters
UN 0044	102	Caps, percussion
UN 0044	102	Primers, cap type
UN 0048	102	Charges, demolition
UN 0049	102	Cartridges, flash
UN 0050	102	Cartridges, flash
UN 0054	102	Cartridges, signal
UN 0055	102	Cases, cartridges, empty, with primer
UN 0056	102	Charges, depth
UN 0059	102	Charges, shaped
UN 0060	102	Charges, supplementary, explosive
UN 0065	102	Cord, detonating
UN 0066	102	Cord, igniter
UN 0070	102	Cutters, cable, explosive
UN 0072	102	Cyclotrimethylenetrinitramine
UN 0073	102	Detonators for ammunition
UN 0074	102	Diazodinitrophenol
UN 0075	102	Diethyleneglycol dinitrate
UN 0076	102	Dinitrophenol
UN 0077	102	Dinitrophenates
UN 0078	102	Dinitroresorcinol
UN 0079	102	Hexanitrodiphenylamine
UN 0081	102	Explosives, blasting, Type A
UN 0082	102	Explosives, blasting, Type B
UN 0083	102	Explosives, blasting, Type C
UN 0084	102	Explosives, blasting, Type D
UN 0092	102	Flares, surface
UN 0093	102	Flares, aerial
UN 0094	102	Photo-flash powder
UN 0096	102	Photo-flash powder
UN 0099	102	Fracturing devices, explosive
UN 0101	102	Fuse, instantaneous, non-detonating
UN 0102	102	Cord, detonating
UN 0103	102	Fuse, igniter
UN 0104	102	Cord, detonating, mild effect
UN 0105	102	Fuse, safety
UN 0106	102	Fuzes, detonating
UN 0107	102	Fuzes, detonating
UN 0110	102	Grenades, practice
UN 0113	102	Guanyl nitrosamino guanylidene hydrazine
UN 0114	102	Guanyl nitrosamino guanyl tetrazene
UN 0118	102	Hexolite
UN 0121	102	Igniters
UN 0124	102	Jet perforating guns, charged
UN 0129	102	Lead azide
UN 0130	102	Lead styphnate
UN 0131	102	Lighters, fuse
UN 0132	102	Deflagrating metal salts of aromatic nitro-derivatives, n.o.s.
UN 0133	102	Mannitol hexanitrate
UN 0135	102	Mercury fulminate
UN 0136	102	Mines
UN 0137	102	Mines
UN 0138	102	Mines
UN 0143	102	Nitroglycerine, desensitized
UN 0144	102	Nitroglycerine, spirit of
UN 0146	102	Nitrostarch
UN 0147	102	Nitro urea
UN 0150	102	Pentaerythrite tetranitrate
UN 0151	102	Pentolite
UN 0153	102	Trinitro-aniline
UN 0154	102	Trinitrophenol
UN 0155	102	Trinitrochlorobenzene
UN 0158	102	Potassium salts of nitro-aromatic derivatives
UN 0159	102	Powder paste
UN 0160	102	Powder, smokeless
UN 0161	102	Powder, smokeless
UN 0167	102	Projectiles
UN 0168	102	Projectiles
UN 0169	102	Projectiles
UN 0171	102	Ammunition, illuminating
UN 0173	102	Release devices, explosive
UN 0174	102	Rivets, explosive
UN 0180	102	Rockets
UN 0181	102	Rockets
UN 0182	102	Rockets
UN 0183	102	Rockets
UN 0186	102	Rocket motors
UN 0190	102	Samples, explosive substance
UN 0191	102	Signal devices, hand
UN 0192	102	Signals, railway track, explosive
UN 0193	102	Signals, railway track, explosive
UN 0194	102	Signals, distress
UN 0195	102	Signals, distress
UN 0196	102	Signals, smoke
UN 0197	102	Signals, smoke
UN 0203	102	Sodium salts of nitro-aromatic derivatives
UN 0204	102	Sounding devices, explosive
UN 0206	102	Squibs
UN 0207	102	Tetranitro-aniline
UN 0208	102	Trinitrophenylmethylnitramine
UN 0209	102	Trinitrotoluene
UN 0212	102	Tracers for ammunition
UN 0213	102	Trinitroanisole
UN 0214	102	Trinitrobenzene
UN 0215	102	Trinitrobenzoic acid
UN 0216	102	Trinitrometacresol
UN 0217	102	Trinitronaphthalene
UN 0218	102	Trinitrophenetole
UN 0219	102	Trinitroresorcinol
UN 0220	102	Urea nitrate
UN 0221	102	Warheads, torpedo
UN 0222	102	Ammonium nitrate
UN 0223	102	Ammonium nitrate fertilizers
UN 0224	102	Barium azide
UN 0225	102	Boosters, with detonator
UN 0225	102	Gaines, with detonator
UN 0226	102	Cyclotetramethylenetetranitramine
UN 0234	102	Sodium dinitro-o-cresolate
UN 0235	102	Sodium picramate
UN 0236	102	Zirconium picramate
UN 0237	102	Charges, shaped, flexible, linear
UN 0238	102	Rockets, line throwing
UN 0240	102	Rockets, line throwing
UN 0241	102	Explosives, blasting, Type E
UN 0242	102	Charges, propelling, for cannon
UN 0243	102	Ammunition, incendiary, white phosphorus
UN 0244	102	Ammunition, incendiary, white phosphorus
UN 0245	102	Ammunition, smoke, white phosphorus
UN 0246	102	Ammunition, smoke, white phosphorus
UN 0247	102	Ammunition, incendiary
UN 0248	102	Contrivances, water-activated
UN 0249	102	Contrivances, water-activated
UN 0250	102	Rocket motors
UN 0254	102	Ammunition, illuminating
UN 0255	102	Blasting caps, electric
UN 0257	102	Fuzes, detonating
UN 0266	102	Octolite
UN 0267	102	Blasting caps, non-electric
UN 0268	102	Boosters, with detonator
UN 0268	102	Gaines, with detonator
UN 0271	102	Charges, propelling, for rocket motors
UN 0272	102	Charges, propelling, for rocket motors
UN 0273	102	Charges, propelling, for rocket motors
UN 0274	102	Charges, propelling, for rocket motors
UN 0275	102	Cartridges, power device
UN 0276	102	Cartridges, power device
UN 0277	102	Cartridges, oil well
UN 0278	102	Cartridges, oil well
UN 0279	102	Charges, propelling, for cannon
UN 0280	102	Rocket motors
UN 0281	102	Rocket motors
UN 0282	102	Nitroguanidine
UN 0283	102	Boosters
UN 0283	102	Gaines, without detonator
UN 0284	102	Grenades
UN 0285	102	Grenades
UN 0286	102	Warheads, rocket
UN 0287	102	Warheads, rocket
UN 0288	102	Charges, shaped, flexible, linear
UN 0289	102	Cord, detonating
UN 0290	102	Cord, detonating
UN 0291	102	Bombs
UN 0292	102	Grenades
UN 0293	102	Grenades
UN 0294	102	Mines
UN 0295	102	Rockets
UN 0296	102	Sounding devices, explosive
UN 0297	102	Ammunition, illuminating
UN 0299	102	Bombs, photo-flash
UN 0300	102	Ammunition, incendiary
UN 0301	102	Ammunition, tear-producing
UN 0303	102	Ammunition, smoke
UN 0305	102	Photo-flash powder
UN 0306	102	Tracers for ammunition
UN 0312	102	Cartridges, signal
UN 0313	102	Signals, smoke
UN 0314	102	Igniters
UN 0315	102	Igniters
UN 0316	102	Fuzes, igniting
UN 0317	102	Fuzes, igniting
UN 0318	102	Grenades, practice
UN 0319	102	Primers, tubular
UN 0320	102	Primers, tubular
UN 0321	102	Cartridges for weapons
UN 0322	102	Rocket motors
UN 0323	102	Cartridges, power device
UN 0324	102	Projectiles
UN 0325	102	Igniters
UN 0326	102	Cartridges for weapons, blank
UN 0327	102	Cartridges for weapons, blank
UN 0328	102	Cartridges for weapons, with inert projectile

(1) Identification Number	(2) Source 172.***	(3) Description
UN 0329	102	Torpedoes
UN 0330	102	Torpedoes
UN 0331	102	Explosives, blasting, Type B
UN 0332	102	Explosives, blasting, Type E
UN 0333	102	Fireworks, Type A
UN 0334	102	Fireworks, Type B
UN 0335	102	Fireworks, Type C
UN 0336	102	Fireworks, Type D
UN 0337	102	Fireworks, Type D
UN 0338	102	Cartridges for weapons, blank
UN 0339	102	Cartridges for weapons, with inert projectile
UN 0340	102	Nitrocellulose with
UN 0341	102	Nitrocellulose with
UN 0342	102	Nitrocellulose with
UN 0343	102	Nitrocellulose with
UN 0344	102	Projectiles
UN 0345	102	Projectiles
UN 0346	102	Projectiles
UN 0347	102	Projectiles
UN 0348	102	Cartridges for weapons
UN 0349	102	Articles, explosive, n.o.s.
UN 0350	102	Articles, explosive, n.o.s.
UN 0351	102	Articles, explosive, n.o.s.
UN 0352	102	Articles, explosive, n.o.s.
UN 0353	102	Articles, explosive, n.o.s.
UN 0354	102	Articles, explosive, n.o.s.
UN 0355	102	Articles, explosive, n.o.s.
UN 0356	102	Articles, explosive, n.o.s.
UN 0357	102	Substances, explosive, n.o.s.
UN 0358	102	Substances, explosive, n.o.s.
UN 0359	102	Substances, explosive, n.o.s.
UN 0360	102	Blasting cap assemblies, non-electric
UN 0361	102	Blasting cap assemblies, non electric
UN 0362	102	Ammunition, practice
UN 0363	102	Ammunition, proof
UN 0364	102	Detonators for ammunition
UN 0365	102	Detonators for ammunition
UN 0366	102	Detonators for ammunition
UN 0367	102	Fuzes, detonating
UN 0368	102	Fuzes, igniting
UN 0369	102	Warheads, rocket
UN 0370	102	Warheads, rocket
UN 0371	102	Warheads, rocket
UN 0372	102	Grenades, practice
UN 0373	102	Signal devices, hand
UN 0374	102	Sounding devices, explosive
UN 0375	102	Sounding devices, explosive
UN 0376	102	Primers, tubular
UN 0377	102	Primers, cap type
UN 0378	102	Primers, cap type
UN 0379	102	Cases, cartridge, empty, with primer
UN 0380	102	Articles, pyrophoric
UN 0381	102	Cartridges, power device
UN 0382	102	Components, explosive train, n.o.s.
UN 0383	102	Components, explosive train, n.o.s.
UN 0384	102	Components, explosive train, n.o.s.
UN 0385	102	5-Nitrobenzotriazol
UN 0386	102	Trinitrobenzenesulfonic acid
UN 0387	102	Trinitrofluorenone
UN 0388	102	Trinitrotoluene
UN 0389	102	Trinitrotoluene
UN 0390	102	Tritonal
UN 0391	102	Cyclotrimethylenetrinitramine mixed with cyclotetramethylenetetranitramine
UN 0392	102	Hexanitrostilbene
UN 0393	102	Hexatonal, cast
UN 0394	102	Trinitroresorcinol
UN 1001	101	Acetylene
UN 1002	102	Air
UN 1002	101	Air, compressed
UN 1003	102	Air
UN 1005	102	Ammonia
UN 1005	101	Ammonia, anhydrous
UN 1006	101	Argon
UN 1008	101	Boron trifluoride
UN 1009	102	Bromotrifluoromethane
UN 1009	101	Monobromotrifluoromethane
UN 1010	102	Butadiene
UN 1010	101	Butadiene, inhibited
UN 1011	102	Butane
UN 1012	102	Butylene
UN 1013	102	Carbon dioxide
UN 1014	102	Carbon dioxide and oxygen
UN 1014	101	Carbon dioxide-oxygen mixture
UN 1015	102	Carbon dioxide and nitrous oxide
UN 1015	101	Carbon dioxide-nitrous oxide mixture
UN 1016	101	Carbon monoxide
UN 1017	101	Chlorine
UN 1018	102	Chlorodifluoromethane
UN 1018	101	Monochlorodifluoromethane
UN 1020	102	Chloropentafluoroethane
UN 1020	101	Monochloropentafluoroethane
UN 1021	102	Chlorotetrafluoroethane
UN 1021	101	Monochlorotetrafluoroethane
UN 1022	102	Chlorotrifluoromethane
UN 1022	101	Monochlorotrifluoromethane
UN 1023	102	Coal gas
UN 1026	102	Cyanogen
UN 1026	101	Cyanogen gas
UN 1027	101	Cyclopropane
UN 1028	101	Dichlorodifluoromethane
UN 1029	102	Dichloromonofluoromethane
UN 1030	102	1,1-Difluoroethane
UN 1030	101	Difluoroethane
UN 1031	102	Difluoromonochloroethane
UN 1032	102	Dimethylamine
UN 1032	101	Dimethylamine, anhydrous
UN 1033	101	Dimethyl ether
UN 1035	101	Ethane
UN 1036	102	Ethylamine
UN 1036	101	Monoethylamine
UN 1037	101	Ethyl chloride
UN 1038	102	Ethylene
UN 1039	101	Ethyl methyl ether
UN 1040	101	Ethylene oxide
UN 1041	102	Ethylene oxide and carbon dioxide
NA 1043	101	Crude nitrogen fertilizer solution
UN 1043	101	Fertilizer ammoniating solution
NA 1043	101	Nitrogen fertilizer solution
UN 1044	101	Fire extinguisher
UN 1044	102	Fire extinguishers
UN 1045	101	Fluorine
UN 1046	101	Helium
UN 1048	101	Hydrogen bromide
UN 1049	101	Hydrogen
UN 1050	101	Hydrogen chloride
NA 1051	101	Hydrocyanic acid, liquefied
UN 1051	102	Hydrogen cyanide
UN 1052	101	Hydrogen fluoride
UN 1053	101	Hydrogen sulfide
UN 1053	102	Hydrogen sulphide
UN 1055	102	Isobutylene
UN 1056	102	Krypton
UN 1057	101	Cigarette lighter
UN 1057	102	Lighters
NA 1058	101	Liquefied nonflammable gas
UN 1058	102	Liquefied non-flammable gases charged with nitrogen, carbon dioxide or air
UN 1060	102	Methyl acetylene
UN 1060	101	Methylacetylene-propadiene, stabilized
UN 1061	102	Methylamine
UN 1061	101	Methylamine, anhydrous
UN 1062	102	Methyl bromide
UN 1062	101	Methyl bromide, liquid
UN 1063	101	Methyl chloride
UN 1064	101	Methyl mercaptan
UN 1064	102	Methylmercaptan
UN 1065	101	Neon
UN 1066	101	Nitrogen
UN 1067	102	Nitrogen dioxide
UN 1067	101	Nitrogen dioxide, liquid
NA 1067	101	Nitrogen peroxide, liquid
NA 1067	101	Nitrogen tetroxide, liquid
UN 1069	101	Nitrosyl chloride
UN 1070	101	Nitrous oxide
UN 1071	102	Oil gas
UN 1072	101	Oxygen
UN 1073	102	Oxygen
UN 1073	101	Oxygen, pressurized liquid
UN 1075	101	Liquefied petroleum gas
UN 1075	102	Petroleum gases
UN 1076	101	Phosgene
UN 1077	102	Propylene
UN 1078	102	Refrigerant gases, n.o.s.
UN 1079	101	Sulfur dioxide
UN 1079	102	Sulphur dioxide
UN 1080	101	Sulfur hexafluoride
UN 1080	102	Sulphur hexafluoride
UN 1081	102	Tetrafluoroethylene
UN 1081	101	Tetrafluoroethylene, inhibited
UN 1082	101	Trifluorochlorethylene
UN 1082	102	Trifluorochloroethylene
UN 1083	102	Trimethylamine
UN 1083	101	Trimethylamine, anhydrous
UN 1085	102	Vinyl bromide
UN 1086	101	Vinyl chloride
UN 1087	101	Vinyl methyl ether
UN 1088	101	Acetal
UN 1089	101	Acetaldehyde
UN 1090	101	Acetone
UN 1091	101	Acetone oil
UN 1091	102	Acetone oils
UN 1092	102	Acrolein
UN 1092	101	Acrolein, inhibited
UN 1093	101	Acrylonitrile
UN 1095	102	Alcohol
UN 1096	102	Alcohol
UN 1098	101	Allyl alcohol
UN 1099	101	Allyl bromide
UN 1100	101	Allyl chloride
UN 1101	102	Diethylaluminium chloride
UN 1102	102	Aluminium triethyl
UN 1103	102	Aluminium trimethyl
UN 1104	101	Amyl acetate
UN 1104	102	Amyl acetates
UN 1105	102	Amyl alcohols
UN 1106	101	Amylamine
UN 1107	101	Amyl chloride
UN 1108	101	Amylene
UN 1108	102	n-Amylene
UN 1109	101	Amyl formate
UN 1109	102	Amyl formates
UN 1110	102	Amyl methyl ketone
UN 1110	101	Methyl amyl ketone
UN 1111	101	Amyl mercaptan
UN 1112	102	Amyl nitrate
UN 1113	101	Amyl nitrite
UN 1114	101	Benzene
UN 1115	101	Benzine
UN 1118	102	Brake fluid, hydraulic
UN 1120	102	Butanol
NA 1120	101	Butyl alcohol
UN 1121	102	sec-Butanol
UN 1122	102	tert-Butanol
UN 1123	101	Butyl acetate
UN 1123	102	n-Butyl acetate
UN 1124	102	sec-Butyl acetate
UN 1125	101	Butylamine
UN 1125	102	n-Butylamine
UN 1126	101	Butyl bromide
UN 1126	102	n-Butyl bromide
UN 1127	101	Butyl chloride
UN 1127	102	n-Butyl chloride
UN 1128	101	Butyl formate
UN 1128	102	n-Butyl formate
UN 1129	101	Butyraldehyde
UN 1130	101	Camphor oil
UN 1131	101	Carbon bisulfide, *or* Carbon disulfide
UN 1131	102	Carbon disulphide
UN 1132	102	Carbon remover
UN 1132	101	Carbon remover, liquid
UN 1133	102	Cement, adhesive
NA 1133	101	Cement, container, linoleum, tile, *or* wallboard, liquid
NA 1133	101	Cement, leather
NA 1133	101	Cement, liquid, n.o.s.
NA 1133	101	Cement, pyroxylin
NA 1133	101	Cement, roofing, liquid
NA 1133	101	Cement, rubber
UN 1134	101	Chlorobenzene
UN 1135	102	2-Chloroethanol
UN 1135	101	Ethylene chlorohydrin
UN 1136	101	Coal tar distillate
NA 1136	101	Coal tar light oil
NA 1136	101	Coal tar oil
UN 1137	101	Coal tar distillate
NA 1137	101	Coal tar light oil
NA 1137	101	Coal tar oil
UN 1139	101	Coating solution
NA 1142	101	Antifreeze compound, liquid
NA 1142	101	Antifreeze preparation, liquid
NA 1142	101	Compound, lacquer, paint, *or* varnish, removing, reducing, *or* thinning, liquid
NA 1142	101	Compound, polishing, liquid
NA 1142	101	Compound, vulcanizing, liquid
NA 1142	101	Dressing, leather
UN 1142	102	Flammable liquid preparation, n.o.s.
NA 1142	101	Leather bleach *or* dressing
NA 1142	101	Polish, metal, stove, furniture *or* wood, liquid
NA 1142	101	Rust preventive coating
UN 1143	101	Crotonaldehyde
UN 1144	101	Crotonylene

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1145	101	Cyclohexane
UN 1146	101	Cyclopentane
UN 1147	101	Decahydronaphthalene
UN 1148	102	Diacetone alchohol
UN 1148	101	Diacetone alcohol
UN 1149	101	Butyl ether
UN 1149	102	Dibutyl ethers
UN 1150	101	Dichloroethylene
UN 1152	101	Dichloropentane
UN 1152	102	Dichloropentanes
UN 1153	102	1,2-Diethoxyethane
UN 1153	101	Ethylene glycol diethyl ether
UN 1154	101	Diethylamine
UN 1155	102	Diethyl ether
UN 1155	101	Ethyl ether
UN 1156	101	Diethyl ketone
UN 1157	101	Diisobutyl ketone
UN 1158	101	Diisopropylamine
UN 1159	101	Diisopropyl ether
UN 1160	102	Dimethylamine
UN 1160	101	Dimethylamine, aqueous solution
UN 1161	101	Dimethyl carbonate
UN 1162	101	Dimethyldichlorosilane
UN 1163	102	Dimethylhydrazine
UN 1163	101	Dimethylhydrazine, unsymmetrical
UN 1164	101	Dimethyl sulfide
UN 1164	102	Dimethyl sulphide
UN 1165	101	Dioxane
UN 1166	101	Dioxolane
UN 1167	101	Divinyl ether
UN 1168	102	Driers
UN 1168	101	Paint drier, liquid
UN 1169	102	Extracts
UN 1170	101	Alcoholic beverage
NA 1170	101	Cologne spirits
UN 1170	102	Ethanol
UN 1170	101	Ethyl alcohol
UN 1171	102	2-Ethoxyethanol
UN 1171	101	Ethylene glycol monoethyl ether
UN 1172	102	2-Ethoxyethyl acetate
UN 1172	101	Ethylene glycol monoethyl ether acetate
UN 1173	101	Ethyl acetate
UN 1175	101	Ethyl benzene
UN 1175	102	Ethylbenzene
UN 1176	101	Ethyl borate
UN 1177	102	Ethylbutyl acetate
UN 1177	101	Ethyl butyl acetate
UN 1178	102	2-Ethylbutyraldehyde
UN 1178	101	Ethyl butyraldehyde
UN 1179	101	Ethyl butyl ether
UN 1180	101	Ethyl butyrate
UN 1181	101	Ethyl chloroacetate
UN 1182	101	Ethyl chloroformate
UN 1183	101	Ethyl dichlorosilane
UN 1183	102	Ethyldichlorosilane
UN 1184	101	Ethylene dichloride
UN 1185	102	Ethyleneimine
UN 1185	101	Ethylene imine, inhibited
UN 1188	101	Ethylene glycol monomethyl ether
UN 1189	101	Ethylene glycol monomethyl ether acetate
UN 1190	101	Ethyl formate
UN 1191	102	Ethyl hexaldehyde
UN 1191	101	Ethylhexaldehyde
UN 1192	101	Ethyl lactate
UN 1193	101	Ethyl methyl ketone
UN 1193	101	Methyl ethyl ketone
UN 1194	102	Ethyl nitrite
UN 1194	101	Ethyl nitrite (nitrous ether)
UN 1195	101	Ethyl propionate
UN 1196	101	Ethyl trichlorosilane
UN 1196	102	Ethyltrichlorosilane
UN 1197	101	Extract, liquid, flavoring
UN 1197	102	Extracts
UN 1198	102	Formaldehyde
UN 1198	101	Formaldehyde solution
UN 1199	101	Furfural
UN 1201	101	Fusel oil
UN 1202	102	Gas oil
UN 1203	101	Gasoline
NA 1203	101	Motor fuel, n.o.s.
UN 1204	102	Glyceryl trinitrate
NA 1204	101	Spirits of nitroglycerin
NA 1204	101	Spirits of nitroglycerin, not exceeding 1% nitroglycerin by weight
UN 1205	102	Gutta percha
UN 1206	101	Heptane
UN 1207	101	Hexaldehyde
UN 1208	101	Hexane
UN 1208	101	Neohexane
UN 1210	101	Ink
UN 1210	102	Ink, printers
UN 1212	102	Isobutanol
UN 1213	101	Isobutyl acetate
UN 1214	101	Isobutylamine
UN 1216	101	Isooctene
UN 1218	101	Isoprene
UN 1219	101	Isopropanol
UN 1220	101	Isopropyl acetate
UN 1221	101	Isopropylamine
UN 1222	101	Isopropyl nitrate
UN 1223	101	Kerosene
UN 1224	102	Ketones
UN 1226	101	Cigarette lighter
UN 1226	101	Lighter fluid
UN 1226	102	Lighter fuels
UN 1226	102	Lighters
NA 1228	101	Mercaptan mixture, aliphatic
UN 1228	102	Mercaptans *and* mercaptan mixtures
UN 1229	101	Mesityl oxide
NA 1230	101	Columbian spirits
UN 1230	102	Methanol
UN 1230	101	Methyl alcohol
UN 1231	101	Methyl acetate
UN 1232	101	Methyl acetone
UN 1233	101	Methylamyl acetate
UN 1234	101	Methylal
UN 1235	102	Methylamine
UN 1235	101	Methylamine, aqueous solution
UN 1237	101	Methyl butyrate
UN 1238	101	Methyl chloroformate
UN 1239	102	Methylchloromethyl ether
UN 1239	101	Methylchloromethyl ether, anhydrous
UN 1242	101	Methyl dichlorosilane
UN 1242	102	Methyldichlorosilane
UN 1243	101	Methyl formate
UN 1244	101	Methylhydrazine
UN 1245	102	Methyl isobutyl ketone
UN 1246	102	Methyl isopropenyl ketone
UN 1246	101	Methyl isopropenyl ketone, inhibited
UN 1247	102	Methyl methacrylate
UN 1247	101	Methyl methacrylate monomer, inhibited
NA 1247	101	Methyl methacrylate monomer, uninhibited
UN 1248	101	Methyl propionate
UN 1249	101	Methyl propyl ketone
UN 1250	101	Methyltrichlorosilane
UN 1251	102	Methyl vinyl ketone
UN 1251	101	Methyl vinyl ketone, inhibited
UN 1255	102	Naphtha, petroleum
UN 1255	101	Petroleum naphtha
UN 1256	101	Naphtha, solvent
UN 1257	102	Casinghead gasoline
UN 1259	101	Nickel carbonyl
UN 1261	101	Nitromethane
UN 1262	101	Isooctane
UN 1262	101	Octane
NA 1263	101	Compound, enamel
UN 1263	101	Lacquer base *or* Lacquer chips, plastic
UN 1263	101	Mortar stain, liquid
UN 1263	101	Paint, Enamel, Lacquer, Stain, Shellac, *or* Varnish; Aluminum, Bronze, Gold, Wood filler, liquid *or* Lacquer base, liquid
UN 1263	102	Paint, enamel, lacquer, stain, shellac, varnish, polish, filler (liquid), lacquer base *or* thinner
UN 1264	101	Paraldehyde
UN 1265	101	Isopentane
UN 1265	101	Pentane
UN 1266	102	Perfumery products
UN 1267	101	Crude oil, petroleum
UN 1267	102	Petroleum crude oil
NA 1268	101	Naphtha distillate
UN 1268	101	Petroleum distillate
UN 1268	102	Petroleum distillates, n.o.s.
NA 1268	101	Road oil
NA 1270	101	Oil
UN 1270	102	Petroleum oil
UN 1271	101	Petroleum ether
UN 1271	102	Petroleum spirit
UN 1272	101	Pine oil
UN 1274	102	Propanol
UN 1274	101	Propyl alcohol
UN 1275	101	Propionaldehyde
UN 1276	102	n-Propyl acetate
UN 1276	101	Propyl acetate
UN 1277	102	Monopropylamine
UN 1277	101	Propylamine
UN 1278	101	Propyl chloride
UN 1279	101	Propylene dichloride
UN 1280	101	Propylene oxide
UN 1281	101	Propyl formate
UN 1281	102	Propyl formates
UN 1282	101	Pyridine
UN 1286	102	Rosin oil
UN 1287	102	Rubber solution
UN 1288	102	Shale oil
UN 1289	102	Sodium methylate
NA 1289	101	Sodium methylate, alcohol mixture
UN 1292	101	Ethyl silicate
UN 1292	102	Tetraethyl silicate
UN 1293	102	Tinctures
UN 1294	101	Toluene
UN 1295	101	Trichlorosilane
UN 1296	101	Triethylamine
UN 1297	102	Trimethylamine
UN 1297	101	Trimethylamine, aqueous solution
UN 1298	101	Trimethylchlorosilane
UN 1299	101	Turpentine
UN 1300	101	Turpentine substitute
UN 1301	101	Vinyl acetate
UN 1302	102	Vinyl ethyl ether
UN 1302	101	Vinyl ethyl ether, inhibited
UN 1303	101	Vinylidene chloride, inhibited
UN 1304	101	Vinyl isobutyl ether
UN 1305	101	Vinyl trichlorosilane
UN 1307	101	Xylene
UN 1307	102	Xylenes
UN 1308	102	Zirconium
UN 1308	101	Zirconium, metal, liquid, suspensions
UN 1309	102	Aluminium
UN 1310	102	Ammonium picrate
UN 1310	101	Ammonium picrate, wet
UN 1312	102	Borneol
UN 1313	101	Calcium resinate
UN 1314	102	Calcium resinate
UN 1314	101	Calcium resinate, fused
UN 1318	102	Cobalt resinate
UN 1318	101	Cobalt resinate, precipitated
UN 1320	102	Dinitrophenol
UN 1321	102	Dinitrophenolates
UN 1322	102	Dinitroresorcinols
UN 1323	102	Ferrocerium
NA 1324	101	Film
UN 1324	102	Film, motion picture
NA 1325	101	Antimony sulfide, solid
NA 1325	101	Burnt cotton, not repicked
NA 1325	101	Cosmetics, n.o.s.
NA 1325	101	Drugs, n.o.s.
UN 1325	101	Flammable solid, n.o.s.
UN 1325	102	Flammable solids, n.o.s.
NA 1325	101	Fusee
NA 1325	101	Garbage tankage
NA 1325	101	N-Methyl-N'-nitro-N-nitrosoguanidine
NA 1325	101	Paper stock, wet
NA 1325	101	Rags, wet
NA 1325	101	Rough ammoniate tankage
NA 1325	101	Smokeless powder for small arms
NA 1325	101	Tankage fertilizer
NA 1325	101	Tankage, rough ammoniate
NA 1325	101	Waste paper, wet
(UN 1325)	102	Zirconium
UN 1326	102	Hafnium metal powder, wet
UN 1326	101	Hafnium metal, wet
UN 1327	102	Bhusa
UN 1327	101	Hay
UN 1327	101	Hay or straw
UN 1327	102	Straw
UN 1328	102	Hexamine
UN 1330	102	Manganese resinate
UN 1331	102	Matches
UN 1331	101	Matches, strike anywhere
UN 1332	102	Metaldehyde
UN 1333	102	Mischmetal
UN 1334	102	Naphthalene
UN 1334	101	Naphthalene *or* Naphthalin
UN 1336	102	Nitroguanidine
UN 1336	101	Nitroguanidine, wet with not less than 20% water
UN 1337	102	Nitrostarch
UN 1337	101	Nitrostarch, wet with not less than 20% water
NA 1337	101	Nitrostarch, wet with not less than 30% alcohol *or* solvent
UN 1338	102	Phosphorus
UN 1338	101	Phosphorus, amorphous, red

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1339	101	Phosphorus heptasulfide
UN 1339	102	Phosphorus heptasulphide
UN 1340	101	Phosphorus pentasulfide
UN 1340	102	Phosphorus pentasulphide
UN 1341	101	Phosphorus sesquisulfide
UN 1341	102	Phosphorus sesquisulphide
UN 1343	101	Phosphorus trisulfide
UN 1343	102	Phosphorus trisulphide
UN 1344	102	Picric acid
NA 1344	101	Picric acid, wet, with not less than 10% water
UN 1345	102	Rubber scrap
UN 1345	101	Rubber scrap *or* Rubber buffings
UN 1345	101	Rubber shoddy *or* Rubber, regenerated *or* Rubber, reclaimed
UN 1346	102	Silicon powder
UN 1348	102	Sodium dinitro-o-cresolate
UN 1349	102	Sodium picramate
UN 1349	101	Sodium picramate, wet
UN 1350	101	Sulfur, solid
UN 1350	102	Sulphur
UN 1352	102	Titanium metal powder, wet
UN 1352	101	Titanium metal powder, wet with 20% or more water
UN 1353	102	Toe puffs
UN 1354	102	Trinitrobenzene
UN 1354	101	Trinitrobenzene, wet
UN 1355	102	Trinitrobenzoic acid
UN 1355	101	Trinitrobenzoic acid, wet
UN 1356	102	Trinitrotoluene
UN 1356	101	Trinitrotoluene, wet
UN 1357	102	Urea nitrate
UN 1357	101	Urea nitrate, wet
UN 1358	102	Zirconium metal powder, wet
UN 1358	101	Zirconium metal, wet
UN 1359	102	Bags
UN 1359	101	Bags, sodium nitrate, empty and unwashed
UN 1360	101	Calcium phosphide
UN 1361	102	Carbon, non-activated
NA 1361	101	Charcoal briquettes *or* briquets
NA 1361	101	Charcoal screenings, made from 'pinon' wood
NA 1361	101	Charcoal, shell
NA 1361	101	Charcoal, wood, ground, crushed, granulated, *or* pulverized
NA 1361	101	Charcoal, wood, lump
NA 1361	101	Charcoal wood screenings, other than 'pinon' wood screenings
NA 1361	101	Coal, ground bituminous, sea coal, coal facings
UN 1362	102	Carbon, activated
UN 1362	101	Charcoal, activated
UN 1363	101	Copra
UN 1364	102	Cotton waste
UN 1364	101	Cotton waste, oily
UN 1365	102	Cotton
UN 1366	102	Diethylzinc
UN 1367	102	Diethylmagnesium
UN 1368	102	Dimethylmagnesium
UN 1369	102	Dimethyl-p-nitrosoaniline
UN 1369	102	p-Nitrosodimethylaniline
UN 1370	102	Dimethylzinc
UN 1371	102	Driers
NA 1372	101	Burnt fiber
NA 1372	101	Fibers
NA 1372	101	Fibers, burnt
UN 1372	102	Fibres
NA 1372	101	Hair, wet
UN 1373	102	Fabric
NA 1373	101	Fibers *or* fabric, containing not more than 5% animal *or* vegetable oil
UN 1373	102	Fibres
UN 1374	102	Fishmeal *or* fishscrap
NA 1374	101	Fish meal *or* fish scrap containing less than 6% or more than 12% water
UN 1375	102	Pyrophoric fuel, n.o.s.
UN 1376	101	Iron mass *or* sponge, spent
UN 1376	102	Iron oxide
UN 1378	102	Nickel catalyst
UN 1378	101	Nickel catalyst, wet
UN 1379	102	Paper
UN 1380	101	Pentaborane
UN 1381	102	Phosphorus
UN 1381	101	Phosphorus, white *or* yellow, dry
UN 1381	101	Phosphorus, white *or* yellow, in water
UN 1382	102	Alkaline earth metal amalgams, n.o.s.
UN 1382	101	Potassium sulfide
UN 1382	102	Potassium sulphide
NA 1383	101	Iron mass *or* sponge
UN 1383	102	Pyrophoric alloys
UN 1383	102	Pyrophoric metals
UN 1384	102	Sodium dithionite
UN 1384	101	Sodium hydrosulfite
UN 1385	101	Sodium sulfide, anhydrous
UN 1385	102	Sodium sulphide
UN 1386	102	Seed cake
UN 1387	101	Waste wool, wet
UN 1387	102	Wool waste
UN 1389	102	Alkali metal amalgams, n.o.s.
UN 1390	102	Alkali metal amides, n.o.s.
UN 1391	102	Alkali metal dispersions, n.o.s.
UN 1393	102	Alloys of alkaline earth metals
UN 1394	102	Aluminium carbide
UN 1395	102	Aluminium ferrosilicon
UN 1396	102	Aluminium
UN 1396	101	Aluminum, metallic, powder
UN 1397	102	Aluminium phosphide
UN 1397	101	Aluminum phosphide
UN 1398	102	Aluminium silicon
UN 1399	102	Barium
UN 1400	102	Barium
UN 1401	102	Calcium
UN 1401	101	Calcium, metal
NA 1401	101	Calcium, metal, crystalline
UN 1402	101	Calcium carbide
UN 1403	102	Calcium cyanamide
UN 1403	101	Calcium cyanamide, not hydrated
UN 1404	102	Calcium hydride
UN 1405	102	Calcium silicide
UN 1406	102	Calcium silicon
UN 1407	102	Caesium
UN 1407	101	Cesium metal
UN 1408	101	Ferrosilicon
UN 1409	102	Hydrides
UN 1410	102	Lithium aluminium hydride
UN 1410	101	Lithium aluminum hydride
UN 1411	102	Lithium aluminium hydride
UN 1411	101	Lithium aluminum hydride, ethereal
UN 1412	102	Lithium amide
UN 1412	101	Lithium amide, powdered
UN 1413	101	Lithium borohydride
UN 1414	101	Lithium hydride
UN 1415	102	Lithium
UN 1415	101	Lithium metal
UN 1415	101	Lithium metal, in cartridges
UN 1417	101	Lithium silicon
UN 1418	102	Magnesium
UN 1418	102	Magnesium alloys
UN 1419	102	Magnesium aluminium phosphide
UN 1419	101	Magnesium aluminum phosphide
UN 1420	102	Potassium, metal alloys
UN 1420	101	Potassium, metal liquid alloy
UN 1421	102	Alkali metals
NA 1421	101	Sodium, metal liquid alloy
UN 1422	102	Potassium-sodium
UN 1422	101	Sodium potassium alloy, liquid
UN 1422	101	Sodium potassium alloy, solid
UN 1423	102	Rubidium
UN 1423	101	Rubidium metal
UN 1423	101	Rubidium metal, in cartridges
UN 1424	102	Sodium amalgam
UN 1425	101	Sodium amide
UN 1426	102	Sodium borohydride
UN 1427	101	Sodium hydride
UN 1428	102	Sodium
UN 1428	101	Sodium, metal *or* metallic
UN 1429	102	Sodium
UN 1429	101	Sodium, metal dispersion in organic solvent
UN 1431	102	Sodium methylate
UN 1431	101	Sodium methylate, dry
UN 1432	101	Sodium phosphide
UN 1433	101	Stannic phosphide
UN 1433	102	Stannic phosphides
UN 1434	102	Strontium
UN 1435	102	Zinc ashes
UN 1436	102	Zinc
UN 1437	101	Zirconium hydride
UN 1438	102	Aluminium nitrate
UN 1438	101	Aluminum nitrate
UN 1439	101	Ammonium dichromate
UN 1442	101	Ammonium perchlorate
UN 1444	102	Ammonium persulphate
UN 1445	101	Barium chlorate
NA 1445	101	Barium chlorate, wet
UN 1446	101	Barium nitrate
UN 1447	101	Barium perchlorate
UN 1448	101	Barium permanganate
UN 1449	102	Barium peroxide
UN 1449	101	Barium peroxide
UN 1450	102	Bromates
UN 1451	102	Caesium nitrate
UN 1452	101	Calcium chlorate
UN 1453	101	Calcium chlorite
UN 1454	101	Calcium nitrate
UN 1455	102	Calcium perchlorate
UN 1456	101	Calcium permanganate
UN 1457	101	Calcium peroxide
UN 1458	102	Borate and chlorate
UN 1458	101	Chlorate and borate mixture
UN 1459	102	Chlorate and magnesium chloride
UN 1459	101	Chlorate and magnesium chloride mixture
UN 1461	101	Chlorate, n.o.s.
NA 1461	101	Chlorate, n.o.s., wet
UN 1461	102	Chlorates
UN 1462	102	Chlorites
NA 1463	101	Chromic acid mixture, dry
NA 1463	101	Chromic acid, solid
UN 1463	102	Chromium trioxide
UN 1464	102	Dichromates
UN 1465	102	Didymium nitrate
UN 1466	101	Ferric nitrate
UN 1467	101	Guanidine nitrate
UN 1469	101	Lead nitrate
UN 1470	102	Lead perchlorate
UN 1471	102	Lithium hypochlorite
UN 1471	101	Lithium hypochlorite compound, dry
UN 1472	101	Lithium peroxide
UN 1473	102	Magnesium bromate
UN 1474	101	Magnesium nitrate
UN 1475	101	Magnesium perchlorate
UN 1476	102	Magnesium peroxide
UN 1476	101	Magnesium peroxide, solid
NA 1477	101	Ammonium sulfate nitrate
NA 1477	101	Nitrate, n.o.s.
UN 1477	102	Nitrates
UN 1478	102	Sodium nitrate and potash
NA 1479	101	Compound, tree *or* weed killing, solid
NA 1479	101	Cosmetics, n.o.s.
NA 1479	101	Cupric nitrate
NA 1479	101	Drugs, n.o.s.
NA 1479	101	Manganese dioxide
UN 1479	101	Oxidizer, n.o.s. *or* Oxidizing material, n.o.s.
UN 1479	102	Oxidizing substances, n.o.s.
NA 1479	101	Potassium dichromate
NA 1479	101	Sodium dichromate
UN 1480	102	Perborates
NA 1481	101	Perchlorate, n.o.s.
UN 1481	102	Perchlorates
NA 1482	101	Permanganate, n.o.s.
UN 1482	102	Permanganates
UN 1483	102	Peroxides
UN 1484	101	Potassium bromate
UN 1485	101	Potassium chlorate
UN 1486	101	Potassium nitrate
UN 1487	102	Potassium nitrate and sodium nitrite
UN 1487	101	Sodium nitrite mixed with potassium nitrate
NA 1487	101	Sodium nitrite mixture
UN 1488	101	Potassium nitrite
UN 1489	101	Potassium perchlorate
UN 1490	101	Potassium permanganate
UN 1491	101	Potassium peroxide
UN 1492	102	Potassium persulphate
UN 1493	101	Silver nitrate
UN 1494	101	Sodium bromate
UN 1495	101	Sodium chlorate
UN 1496	101	Sodium chlorite
UN 1498	101	Sodium nitrate
UN 1499	102	Sodium nitrate and potassium nitrate
UN 1500	101	Sodium nitrite
UN 1502	101	Sodium perchlorate
UN 1503	101	Sodium permanganate
UN 1504	101	Sodium peroxide
UN 1505	102	Sodium persulphate
UN 1506	101	Strontium chlorate
UN 1506	101	Strontium chlorate, wet
UN 1507	101	Strontium nitrate
UN 1508	102	Strontium perchlorate
UN 1509	101	Strontium peroxide
UN 1510	101	Tetranitromethane
UN 1511	102	Urea hydrogen peroxide
NA 1511	101	Urea peroxide

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1512	101	Zinc ammonium nitrite
UN 1513	101	Zinc chlorate
UN 1514	101	Zinc nitrate
UN 1515	101	Zinc permanganate
UN 1516	101	Zinc peroxide
UN 1517	102	Zirconium picramate
UN 1517	101	Zirconium picramate, wet
UN 1541	101	Acetone cyanohydrin
UN 1542	102	Aldrin
UN 1544	102	Alkaloids
UN 1545	102	Allyl isothiocyanate
UN 1546	102	Ammonium arsenate
UN 1546	101	Ammonium arsenate, solid
UN 1547	102	Aniline
UN 1547	101	Aniline oil, liquid
UN 1548	102	Aniline hydrochloride
UN 1549	102	Antimony compounds
NA 1549	101	Antimony tribromide, solid
NA 1549	101	Antimony tribromide solution
NA 1549	101	Antimony trifluoride, solid
NA 1549	101	Antimony trifluoride solution
UN 1550	102	Antimony lactate
UN 1550	101	Antimony lactate, solid
UN 1551	102	Antimony potassium tartrate
UN 1551	101	Antimony potassium tartrate, solid
UN 1553	102	Arsenic acid
UN 1553	101	Arsenic acid solution
UN 1554	102	Arsenic acid
UN 1554	101	Arsenic acid, solid
UN 1555	102	Arsenic bromide
UN 1555	101	Arsenic bromide, solid
UN 1556	101	Arsenical compound, liquid, n.o.s., *or* Arsenical mixture, liquid, n.o.s.
UN 1556	102	Arsenic compounds
NA 1556	101	Methyldichloroarsine
NA 1556	101	Phenyldichloroarsine
UN 1557	101	Arsenical compound, solid, n.o.s., *or* Arsenical mixture, solid, n.o.s.
NA 1557	101	Arsenical dip, liquid
UN 1557	102	Arsenic compounds
NA 1557	101	Arsenic iodide, solid
NA 1557	101	Arsenic sulfide, solid
NA 1557	101	Arsenic trisulfide
UN 1558	102	Arsenic, metallic
UN 1558	101	Arsenic, solid
UN 1559	102	Arsenic pentoxide
UN 1559	101	Arsenic pentoxide, solid
UN 1560	102	Arsenic trichloride
UN 1560	101	Arsenic trichloride, liquid
UN 1561	102	Arsenic trioxide
UN 1561	101	Arsenic trioxide, solid
UN 1562	101	Arsenical dust
UN 1564	102	Barium compounds, n.o.s.
UN 1565	102	Barium cyanide
UN 1565	101	Barium cyanide, solid
NA 1566	101	Beryllium chloride
UN 1566	101	Beryllium compound, n.o.s.
UN 1566	102	Beryllium compounds
NA 1566	101	Beryllium fluoride
UN 1567	102	Beryllium
UN 1568	102	Bordeaux arsenites
UN 1569	102	Bromoacetone
UN 1569	101	Bromoacetone, liquid
UN 1570	102	Brucine
UN 1570	101	Brucine, solid
UN 1571	102	Barium azide
UN 1571	101	Barium azide, wet
UN 1572	102	Cacodylic acid
UN 1573	102	Calcium arsenate
UN 1573	101	Calcium arsenate, solid
UN 1574	102	Calcium arsenate and arsenite
NA 1574	101	Calcium arsenite, solid
UN 1575	102	Calcium cyanide
UN 1575	101	Calcium cyanide, solid *or* Calcium cyanide mixture, solid
UN 1577	102	Chlorodinitrobenzene
UN 1577	101	Dinitrochlorobenzene
UN 1578	102	Chloronitrobenzenes
UN 1578	101	Nitrochlorobenzene, meta *or* para, solid
UN 1578	101	Nitrochlorobenzene, ortho, liquid
UN 1579	102	4-Chloro-o-toluidine hydrochloride
UN 1579	101	4-Chloro-o-toluidine hydrochloride
UN 1580	102	Chloropicrin
UN 1580	101	Chloropicrin, liquid
UN 1581	102	Chloropicrin and methyl bromide
NA 1581	101	Methyl bromide and more than 2% chloropicrin mixture, liquid
UN 1582	102	Chloropicrin and methyl chloride
UN 1582	101	Chloropicrin and methyl chloride mixture
NA 1583	101	Chloropicrin, absorbed
UN 1583	101	Chloropicrin mixture
UN 1583	102	Chloropicrin mixtures, n.o.s.
UN 1584	102	Cocculus
UN 1584	101	Cocculus, solid
UN 1585	102	Copper acetoarsenite
UN 1585	101	Copper acetoarsenite, solid
UN 1586	102	Copper arsenite
UN 1586	101	Copper arsenite, solid
UN 1587	101	Copper cyanide
UN 1588	101	Cyanide *or* cyanide mixture, dry
UN 1588	102	Cyanides
UN 1589	101	Cyanogen chloride
UN 1590	102	Dichloroanilines
UN 1591	101	Dichlorobenzene, ortho, liquid
UN 1591	102	Dichlorobenzenes
UN 1592	101	Dichlorobenzene, para, solid
UN 1592	102	p-Dichlorobenzene
UN 1593	102	Dichloromethane
UN 1593	101	Dichloromethane *or* Methylene chloride
UN 1594	102	Diethyl sulphate
UN 1595	101	Dimethyl sulfate
UN 1595	102	Dimethyl sulphate
UN 1596	102	Dinitroanilines
UN 1597	102	Dinitrobenzenes
UN 1597	101	Dinitrobenzene, solid, *or* Dinitrobenzol, solid
UN 1597	101	Dinitrobenzene solution
UN 1598	102	4,6-Dinitro-o-cresol
UN 1599	102	Dinitrophenol
UN 1599	101	Dinitrophenol solution
UN 1600	101	Dinitrotoluene, liquid
UN 1600	102	Dinitrotoluenes
UN 1601	101	Disinfectant, liquid
UN 1601	102	Disinfectants
UN 1601	101	Disinfectant, solid
(UN 1601)	102	Germicides
UN 1602	102	Dye intermediates
UN 1603	102	Ethyl bromoacetate
UN 1604	101	Ethylenediamine
UN 1605	101	Ethylene dibromide
UN 1606	102	Ferric arsenate
UN 1606	101	Ferric arsenate, solid
UN 1607	102	Ferric arsenite
UN 1607	101	Ferric arsenite, solid
UN 1608	102	Ferrous arsenate
UN 1608	101	Ferrous arsenate, solid
UN 1609	102	Fungicides
UN 1610	102	Halogenated irritating liquids, n.o.s.
UN 1611	102	Hexaethyl tetraphosphate
UN 1611	101	Hexaethyl tetraphosphate, liquid
UN 1612	102	Hexaethyl tetraphosphate
UN 1612	101	Hexaethyl tetraphosphate and compressed gas mixture
UN 1613	102	Hydrocyanic acid
UN 1613	101	Hydrocyanic acid solution
UN 1613	101	Hydrocyanic acid solution, less than 5% hydrocyanic acid
UN 1614	102	Hydrogen cyanide
UN 1615	102	Insecticides, n.o.s.
UN 1616	101	Lead acetate
UN 1617	102	Lead arsenates
UN 1617	101	Lead arsenate, solid
UN 1618	102	Lead arsenites
UN 1618	101	Lead arsenite, solid
UN 1620	101	Lead cyanide
UN 1621	102	London purple
UN 1621	101	London purple, solid
UN 1622	102	Magnesium arsenate
UN 1622	101	Magnesium arsenate, solid
UN 1623	102	Mercuric arsenate
UN 1624	102	Mercuric chloride
UN 1624	101	Mercuric chloride, solid
UN 1625	101	Mercuric nitrate
UN 1626	102	Mercuric potassium cyanide
UN 1626	101	Mercuric potassium cyanide, solid
UN 1627	101	Mercurous nitrate, solid
UN 1628	101	Mercurous sulfate, solid
UN 1628	102	Mercurous sulphate
UN 1629	101	Mercuric acetate
UN 1629	101	Mercurous acetate, solid
UN 1629	102	Mercury acetate
UN 1630	101	Mercuric ammonium chloride, solid
UN 1630	102	Mercury ammonium chloride
UN 1631	101	Mercuric benzoate, solid
UN 1631	102	Mercury benzoate
UN 1633	102	Mercury bisulphate
UN 1634	101	Mercuric bromide, solid
UN 1634	101	Mercurous bromide, solid
UN 1634	102	Mercury bromides
UN 1636	101	Mercuric cyanide, solid
UN 1636	102	Mercury cyanide
UN 1637	101	Mercurous gluconate, solid
UN 1637	102	Mercury gluconate
UN 1638	101	Mercuric iodide, solid
UN 1638	101	Mercuric iodide, solution
UN 1638	101	Mercurous iodide, solid
UN 1638	102	Mercury iodide
UN 1639	101	Mercurol *or* Mercury nucleate, solid
UN 1639	102	Mercury nucleate
UN 1640	101	Mercuric oleate, solid
UN 1640	102	Mercury oleate
UN 1641	101	Mercuric oxide, solid
UN 1641	101	Mercurous oxide, black, solid
UN 1641	102	Mercury oxide
UN 1642	101	Mercuric oxycyanide, solid
UN 1642	102	Mercury oxycyanide
UN 1643	101	Mercuric potassium iodide, solid
UN 1643	102	Mercury potassium iodide
UN 1644	101	Mercuric salicylate solid
UN 1644	102	Mercury salicylate
UN 1645	101	Mercuric sulfate, solid
UN 1645	102	Mercuric sulphate
UN 1646	101	Mercuric sulfocyanate, solid *or* Mercuric thiocyanate, solid
UN 1646	102	Mercury thiocyanate
UN 1647	102	Methyl bromide and ethylene dibromide
UN 1647	101	Methyl bromide - ethylene dibromide mixture, liquid
NA 1648	101	Acetonitrile
UN 1648	102	Methyl cyanide
UN 1649	101	Motor fuel antiknock compound *or* Antiknock compound
UN 1649	102	Motor fuel anti-knock mixtures
NA 1649	101	Tetraethyl lead, liquid
UN 1650	102	Naphthylamine
UN 1651	102	alpha-Naphthylthiourea
UN 1652	102	Naphthylurea
UN 1653	102	Nickel cyanide
UN 1653	101	Nickel cyanide, solid
UN 1654	102	Nicotine
UN 1654	101	Nicotine, liquid
UN 1655	102	Nicotine
UN 1656	101	Nicotine hydrochloride
UN 1657	101	Nicotine salicylate
UN 1658	101	Nicotine sulfate, liquid
UN 1658	101	Nicotine sulfate, solid
UN 1658	102	Nicotine sulphate
UN 1659	101	Nicotine tartrate
UN 1660	101	Nitric oxide
UN 1661	101	Nitroaniline
UN 1661	102	Nitroanilines
UN 1662	102	Nitrobenzene
UN 1662	101	Nitrobenzene, liquid *or* Nitrobenzol, liquid
UN 1663	101	Nitrophenol
UN 1663	102	Nitrophenols
UN 1664	101	Nitrotoluene
UN 1664	102	Nitrotoluenes
UN 1665	102	Nitroxylenes
NA 1665	101	Nitroxylol
UN 1668	102	Parathion
UN 1669	102	Pentachloroethane
UN 1670	101	Perchloromethyl mercaptan
UN 1670	102	Perchloromethyl-mercaptan
UN 1671	101	Phenol
UN 1672	102	Phenylcarbylamine chloride
UN 1673	101	Phenyenediamine, meta *or* para, solid
UN 1673	102	Phenylenediamines
UN 1674	102	Phenylmercuric acetate
UN 1677	102	Potassium arsenate
UN 1677	101	Potassium arsenate, solid
UN 1678	102	Potassium arsenite
UN 1678	101	Potassium arsenite, solid
UN 1679	102	Potassium cuprocyanide
UN 1680	102	Potassium cyanide
UN 1680	101	Potassium cyanide, solid
UN 1680	101	Potassium cyanide solution
UN 1681	102	Rodenticides, n.o.s.
UN 1682	102	Sheep dips
UN 1683	102	Silver arsenite
UN 1684	101	Silver cyanide
UN 1685	101	Sodium arsenate
UN 1686	102	Sodium arsenite
UN 1686	101	Sodium arsenite, liquid
UN 1687	101	Sodium azide
UN 1688	102	Sodium cacodylate

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1689	102	Sodium cyanide
UN 1689	101	Sodium cyanide, solid
UN 1689	101	Sodium cyanide solution
UN 1690	102	Sodium fluoride
UN 1690	101	Sodium fluoride, solid
UN 1690	101	Sodium fluoride, solution
UN 1691	102	Strontium arsenite
UN 1691	101	Strontium arsenite, solid
UN 1692	102	Strychnine
UN 1692	101	Strychnine salt, solid
UN 1692	101	Strychnine, solid
NA 1693	101	Irritating agent, n.o.s.
NA 1693	101	ORM-A, n.o.s.
UN 1693	102	Tear gas
UN 1694	102	Bromobenzyl cyanide
UN 1695	102	Chloroacetone
UN 1695	101	Monochloroacetone, stabilized *or* inhibited
UN 1697	102	Chloroacetophenone
UN 1697	101	Chloroacetophenone, gas, liquid, *or* solid
UN 1698	101	Diphenylaminechloroarsine
UN 1699	102	Diphenylchloroarsine
UN 1700	101	Tear gas candle
UN 1700	102	Tear gas candles
UN 1701	101	Xylyl bromide
UN 1702	102	1,1,2,2-Tetrachloroethane
UN 1702	101	Tetrachloroethane
UN 1703	102	Tetraethyl dithiopyrophosphate
UN 1703	101	Tetraethyl dithiopyrophosphate and compressed gas mixture
UN 1704	102	Tetraethyl dithiopyrophosphate
UN 1704	101	Tetraethyl dithiopyrophosphate, liquid
UN 1704	101	Tetraethyl dithiopyrophosphate mixture, dry
UN 1704	101	Tetraethyl dithiopyrophosphate mixture, liquid
UN 1705	102	Tetraethyl pyrophosphate and compressed gas
UN 1705	101	Tetraethyl pyrophosphate and compressed gas mixture
UN 1707	102	Thallium compounds
NA 1707	101	Thallium salt, solid, n.o.s.
NA 1707	101	Thallium sulfate, solid
UN 1708	102	Toluidines
UN 1709	102	2,4-Toluylenediamine
NA 1709	101	Toluenediamine
UN 1710	101	Trichloroethylene
UN 1711	102	Xylidines
UN 1712	101	Zinc arsenate
UN 1712	102	Zinc arsenate and arsenite
UN 1712	101	Zinc arsenite, solid
UN 1713	101	Zinc cyanide
UN 1714	101	Zinc phosphide
UN 1715	101	Acetic anhydride
UN 1716	101	Acetyl bromide
UN 1717	101	Acetyl chloride
UN 1718	101	Acid butyl phosphate
NA 1719	101	Alkaline liquid, n.o.s.
UN 1719	102	Caustic alkali liquids, n.o.s.
UN 1722	101	Allyl chlorocarbonate
UN 1722	102	Allyl chloroformate
UN 1723	102	Allyl iodide
UN 1724	101	Allyl trichlorosilane
UN 1725	102	Aluminium bromide
UN 1725	101	Aluminum bromide, anhydrous
UN 1726	102	Aluminium chloride
UN 1727	102	Ammonium hydrogen fluoride
UN 1727	101	Ammonium hydrogen fluoride, solid
UN 1728	102	Amyl trichlorosilane
UN 1728	101	Amyl trichorosilane
UN 1729	101	Anisoyl chloride
UN 1730	101	Antimony pentachloride
UN 1731	102	Antimony pentachloride
UN 1731	101	Antimony pentachloride solution
UN 1732	101	Antimony pentafluoride
UN 1733	102	Antimony trichloride
UN 1733	101	Antimony trichloride, solid
UN 1733	101	Antimony trichloride solution
UN 1734	102	Batteries
UN 1735	102	Battery fluid
UN 1736	101	Benzoyl chloride
UN 1737	101	Benzyl bromide
UN 1738	101	Benzyl chloride
UN 1739	101	Benzyl chloroformate
UN 1740	102	Bifluorides, n.o.s.
UN 1741	101	Boron trichloride
UN 1742	102	Boron trifluoride acetic acid complex
UN 1742	101	Boron trifluoride-acetic acid complex
UN 1743	102	Boron trifluoride propionic acid complex
UN 1744	101	Bromine
UN 1745	101	Bromine pentafluoride
UN 1746	101	Bromine trifluoride
UN 1747	101	Butyl trichlorosilane
UN 1748	102	Calcium hypochlorite
UN 1748	101	Calcium hypochlorite mixture
UN 1749	101	Chlorine trifluoride
UN 1750	102	Chloroacetic acid
UN 1750	101	Chloroacetic acid, liquid *or* solution
UN 1751	102	Chloroacetic acid
UN 1751	101	Chloroacetic acid, solid
UN 1752	101	Chloroacetyl chloride
UN 1753	102	Chlorophenyl trichlorosilane
UN 1753	101	Chlorophenyltrichlorosilane
UN 1754	101	Chlorosulfonic acid
UN 1754	101	Chlorosulfonic acid-sulfur trioxide mixture
UN 1754	102	Chlorosulphonic acid
UN 1754	102	Dichloroacetyl chloride
UN 1755	102	Chromic acid
UN 1755	101	Chromic acid solution
UN 1756	102	Chromic fluoride
UN 1756	101	Chromic fluoride, solid
UN 1757	102	Chromic fluoride
UN 1757	101	Chromic fluoride solution
UN 1758	102	Chromium oxychloride
UN 1758	101	Chromium oxychloride *or* Chromyl chloride
UN 1759	102	Cleaning compounds
UN 1759	101	Corrosive solid, n.o.s.
(UN 1759)	102	Corrosive solids, n.o.s.
NA 1759	101	Cosmetics, solid, n.o.s.
NA 1759	101	Drugs, n.o.s. solid
NA 1759	101	Ferrous chloride, solid
NA 1759	101	Stannous chloride, solid
NA 1760	101	Acid, liquid, n.o.s.
UN 1760	102	Alkaline corrosive liquids, n.o.s.
NA 1760	101	Aluminum phosphate solution
NA 1760	101	Aluminum sulfate solution
NA 1760	101	2-(2-Aminoethoxy) ethanol
NA 1760	101	Aminopropyldiethanolamine
NA 1760	101	N-Aminopropylmorpholine
NA 1760	101	bis (Aminopropyl) piperazine
NA 1760	101	Boiler compound, liquid
NA 1760	101	Chemical kit
NA 1760	101	Compound, cleaning, liquid
NA 1760	101	Compound, lacquer, paint, *or* varnish removing, liquid
NA 1760	101	Compound, rust preventing *or* Compound, rust removing
NA 1760	101	Compound, tree *or* weed killing, liquid
NA 1760	101	Compound, vulcanizing, liquid
UN 1760	101	Corrosive liquid, n.o.s.
UN 1760	102	Corrosive liquids, n.o.s.
NA 1760	101	Cosmetics, liquid, n.o.s.
NA 1760	101	2,2-Dichloropropionic acid
NA 1760	101	Drugs, n.o.s. liquid
NA 1760	101	Ethyl phosphonothioic dichloride, anhydrous
NA 1760	101	Ethyl phosphorodichloridate
NA 1760	101	Ferrous chloride, solution
NA 1760	101	Flame retardant compound liquid
NA 1760	101	Hexanoic acid
NA 1760	101	Isopentanoic acid
NA 1760	101	Memtetrahydro phthalic anhydride
NA 1760	101	Methyl phosphonothioic dichloride, anhydrous
NA 1760	101	Morpholine, aqueous, mixture
NA 1760	101	Nitric acid, 40% or less
NA 1760	101	ORM-B, n.o.s.
NA 1760	101	Textile treating compound *or* mixture, liquid
NA 1760	101	Titanium sulfate solution
NA 1760	101	Valeric acid
NA 1760	101	Water treatment compounds, liquid
NA 1760	101	White acid
UN 1761	102	Cupriethylenediamine
UN 1761	101	Cupriethylene-diamine solution
UN 1762	101	Cyclohexenyl trichlorosilane
UN 1763	101	Cyclohexyl trichlorosilane
UN 1764	101	Dichloroacetic acid
UN 1765	101	Dichloroacetyl chloride
UN 1766	102	Dichlorophenyl trichlorosilane
UN 1766	101	Dichlorophenyltrichlorosilane
UN 1767	101	Diethyl dichlorosilane
UN 1768	102	Difluorophosphoric acid
UN 1768	101	Difluorophosphoric acid, anhydrous
UN 1769	101	Diphenyl dichlorosilane
UN 1770	102	Diphenylmethyl bromide
UN 1770	101	Diphenyl methyl bromide, solid
UN 1770	101	Diphenyl methyl bromide solution
UN 1771	101	Dodecyl trichlorosilane
UN 1773	102	Ferric chloride
UN 1773	101	Ferric chloride, solid
UN 1774	101	Fire extinguisher charge containing sulfuric acid
UN 1774	102	Fire extinguisher charges
UN 1775	101	Fluoboric acid
UN 1776	102	Fluorophosphoric acid
UN 1776	101	Monofluorophosphoric acid, anhydrous
UN 1777	101	Fluorosulfonic acid *or* Fluosulfonic acid
UN 1777	102	Fluorosulphonic acid
UN 1778	102	Fluosilicic acid
NA 1778	101	Hydrofluorosilicic acid
UN 1779	101	Formic acid
UN 1779	101	Formic acid solution
UN 1780	101	Fumaryl chloride
UN 1781	102	Hexadecyl trichlorosilane
UN 1781	101	Hexadecyltrichlorosilane
UN 1782	101	Hexafluorophosphoric acid
UN 1783	102	Hexamethylenediamine
UN 1783	101	Hexamethylenediamine, solution
UN 1784	102	Hexyl trichlorosilane
UN 1784	101	Hexyltrichlorosilane
UN 1786	102	Acid mixtures
UN 1786	101	Hydrofluoric and sulfuric acid mixture
UN 1787	101	Hydriodic acid
UN 1788	101	Hydrobromic acid
UN 1788	101	Hydrobromic acid not more than 49% strength
NA 1789	101	Compound, cleaning, liquid (containing hydrochloric (muriatic) acid)
UN 1789	101	Hydrochloric acid
NA 1789	101	Hydrochloric acid mixture
UN 1789	101	Hydrochloric acid solution, inhibited
NA 1790	101	Compound, cleaning, liquid (containing hydrofluoric acid)
NA 1790	101	Etching acid, liquid, n.o.s.
UN 1790	102	Hydrofluoric acid
UN 1790	101	Hydrofluoric acid solution
UN 1791	102	Hypochlorite
UN 1791	101	Hypochlorite solution
NA 1791	101	Hypochlorite solution containing not more than 7% available chlorine
UN 1792	101	Iodine monochloride
UN 1793	102	Isopropyl acid phosphate
UN 1793	101	Isopropyl acid phosphate, solid
NA 1794	101	Lead dross
UN 1794	101	Lead sulfate, solid
UN 1794	102	Lead sulphate
UN 1796	102	Acid mixtures
NA 1796	101	Nitrating acid
UN 1798	101	Nitrohydrochloric acid
UN 1798	101	Nitrohydrochloric acid, diluted
UN 1799	102	Nonyl trichlorosilane
UN 1799	101	Nonyltrichlorosilane
UN 1800	102	Octadecyl trichlorosilane
UN 1800	101	Octadecyltrichlorosilane
UN 1801	102	Octyl trichlorosilane
UN 1801	101	Octyltrichlorosilane
UN 1802	102	Perchloric acid
UN 1802	101	Perchloric acid, not over 50% acid
UN 1803	102	Phenolsulphonic acid
UN 1804	102	Phenyl trichlorosilane
UN 1804	101	Phenyltrichlorosilane
UN 1805	102	o-Phosphoric acid
UN 1805	101	Phosphoric acid
UN 1806	102	Phosphorus pentachloride
UN 1806	101	Phosphorus pentachloride, solid
NA 1807	101	Phosphoric anhydride
UN 1807	102	Phosphorus pentoxide
UN 1808	101	Phosphorus tribromide
UN 1809	101	Phosphorus trichloride
UN 1810	101	Phosphorus oxychloride
UN 1810	102	Phosphoryl chloride
UN 1811	102	Potassium bifluoride
NA 1811	101	Potassium hydrogen fluoride solution
UN 1812	101	Potassium fluoride
UN 1812	101	Potassium fluoride solution
UN 1813	102	Potassium hydroxide
UN 1813	101	Potassium hydroxide, dry solid, flake, bead, *or* granular
UN 1814	102	Potassium hydroxide
UN 1814	101	Potassium hydroxide, liquid *or* solution

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1815	102	Propionyl chloride
UN 1816	101	Propyl trichlorosilane
UN 1817	101	Pyrosulfuryl chloride
UN 1817	102	Pyrosulphuryl chloride
UN 1818	101	Silicon chloride *or* Silicon tetrachloride
UN 1818	102	Silicon tetrachloride
UN 1819	102	Sodium aluminate
UN 1819	101	Sodium aluminate solution
UN 1821	101	Sodium hydrogen sulfate, solid
UN 1821	102	Sodium hydrogen sulphate
UN 1823	102	Sodium hydroxide
UN 1823	101	Sodium hydroxide, dry solid, flake, bead, *or* granular
UN 1824	102	Sodium hydroxide
UN 1824	101	Sodium hydroxide, liquid *or* solution
UN 1825	102	Sodium monoxide
UN 1825	101	Sodium monoxide, solid
UN 1826	102	Acid mixtures
NA 1826	101	Nitrating acid, spent
UN 1827	102	Stannic chloride
UN 1827	101	Tin tetrachloride, anhydrous
UN 1828	101	Sulfur chloride
UN 1828	102	Sulphur chlorides
UN 1829	101	Sulfur trioxide
UN 1829	102	Sulphur trioxide
UN 1830	101	Sulfuric acid
UN 1830	102	Sulphuric acid
NA 1831	101	Oleum
UN 1831	102	Sulphuric acid
UN 1832	101	Sulfuric acid, spent
UN 1832	102	Sulphuric acid
UN 1833	101	Sulfurous acid
UN 1833	102	Sulphurous acid
UN 1834	101	Sulfuryl chloride
UN 1834	102	Sulphuryl chloride
UN 1835	102	Tetramethylammonium hydroxide
UN 1835	101	Tetramethylammonium hydroxide, liquid
UN 1836	101	Thionyl chloride
UN 1837	101	Thiophosphoryl chloride
UN 1838	101	Titanium tetrachloride
UN 1839	102	Trichloroacetic acid
UN 1839	101	Trichloroacetic acid, solid
UN 1840	102	Zinc chloride
UN 1840	101	Zinc chloride solution
UN 1841	101	Acetaldehyde ammonia
UN 1842	102	Acetic acid
UN 1843	102	Ammonium dinitro-o-cresolate
UN 1845	101	Carbon dioxide, solid, *or* Dry ice, *or* Carbonice
UN 1846	101	Carbon tetrachloride
UN 1847	102	Potassium sulphide
UN 1848	101	Propionic acid
UN 1848	101	Propionic acid, solution
UN 1849	102	Sodium sulphide
UN 1850	101	Eradicator, paint *or* grease, liquid
UN 1850	102	Eradicators
UN 1851	101	Medicines, n.o.s.
UN 1851	101	Medicines, n.o.s., liquid
UN 1851	101	Medicines, n.o.s., solid
UN 1854	102	Barium alloys
UN 1855	102	Calcium
UN 1856	102	Rags
UN 1856	101	Rags, oily
UN 1857	102	Textile waste
UN 1857	101	Textile waste, wet
UN 1857	101	Waste textile, wet
UN 1858	101	Hexafluoropropylene
UN 1859	101	Silicon tetrafluoride
UN 1860	102	Vinyl fluoride
UN 1860	101	Vinyl fluoride, inhibited
UN 1862	101	Ethyl crotonate
UN 1863	102	Fuel, aviation
UN 1863	101	Fuel, aviation, turbine engine
UN 1864	102	Gas drips
UN 1864	101	Gas drips, hydrocarbon
UN 1865	102	n-Propyl nitrate
UN 1866	102	Resin
UN 1866	101	Resin solution
UN 1867	102	Cigarettes
UN 1867	101	Self-lighting cigarette
UN 1868	101	Decaborane
UN 1869	102	Magnesium
UN 1869	102	Magnesium alloys
UN 1869	101	Magnesium, metal
NA 1869	101	Magnesium scrap
UN 1870	102	Potassium borohydride
UN 1871	102	Titanium hydride
UN 1872	102	Lead dioxide
UN 1872	101	Lead peroxide
UN 1873	101	Perchloric acid
UN 1884	101	Barium oxide
UN 1885	101	Benzidine
UN 1886	102	Benzylidene chloride
UN 1887	101	Bromochloromethane
UN 1888	101	Chloroform
UN 1889	101	Cyanogen bromide
UN 1891	102	Ethyl bromide
UN 1892	102	Ethyl dichloroarsine
UN 1893	102	Organophosphates
UN 1894	102	Phenylmercuric hydroxide
UN 1895	102	Phenylmercuric nitrate
UN 1897	102	Tetrachloroethylene
UN 1897	101	Tetrachloroethylene *or* Perchloroethylene
UN 1898	101	Acetyl iodide
UN 1899	102	Alkanesulphonic acids
UN 1901	102	Calcium hydrogen sulphite
NA 1902	101	Di-(2-ethylhexyl) phosphoric acid
UN 1902	101	Diisooctyl acid phosphate
UN 1903	101	Disinfectant, liquid
UN 1903	102	Disinfectants
UN 1905	102	Selenic acid
UN 1905	101	Selenic acid, liquid
UN 1906	101	Acid, sludge
UN 1906	102	Sludge acid
UN 1907	102	Soda lime
UN 1907	101	Soda lime, solid
UN 1908	102	Sodium chlorite
UN 1908	101	Sodium chlorite solution
UN 1909	102	Sodium hydrogen sulphite
UN 1910	101	Calcium oxide
UN 1911	102	Diborane
UN 1911	101	Diborane *or* diborane mixtures
UN 1912	102	Methyl chloride and methylene chloride
UN 1912	101	Methyl chloride-methylene chloride mixture
UN 1913	102	Neon
UN 1914	102	Butyl propionate
UN 1915	102	Cyclohexanone
UN 1916	102	Dichloroethyl ether
UN 1917	102	Ethyl acrylate
UN 1917	101	Ethyl acrylate, inhibited
UN 1918	102	Isopropylbenzene
UN 1919	102	Methyl acrylate
UN 1919	101	Methyl acrylate, inhibited
UN 1920	102	Nonane
UN 1921	102	Propyleneimine
UN 1921	101	Propyleneimine, inhibited
UN 1922	101	Pyrrolidine
UN 1923	102	Calcium dithionite
UN 1924	102	Ethyl aluminium dichloride
UN 1925	102	Ethyl aluminium sesquichloride
UN 1926	102	Methyl aluminium sesquibromide
UN 1927	102	Methyl aluminium sesquichloride
UN 1928	102	Methyl magnesium bromide
UN 1928	101	Methyl magnesium bromide in ethyl ether
UN 1929	102	Potassium dithionite
UN 1930	102	Triisobutyl aluminium
UN 1931	102	Zinc dithionite
UN 1931	101	Zinc hydrosulfite
UN 1932	102	Zirconium
UN 1932	101	Zirconium scrap
UN 1935	102	Cyanides
UN 1935	101	Cyanide solution, n.o.s.
UN 1938	102	Bromoacetic acid
UN 1938	101	Bromoacetic acid, solid
UN 1938	101	Bromoacetic acid solution
UN 1939	101	Phosphorus oxybromide
UN 1940	101	Thioglycolic acid
UN 1941	101	Dibromodifluoromethane
UN 1942	102	Ammonium nitrate
UN 1942	101	Ammonium nitrate (no organic coating)
NA 1942	101	Ammonium nitrate (organic coating)
UN 1944	102	Matches
UN 1944	101	Matches, safety
UN 1945	102	Matches
UN 1950	102	Aerosol dispensers
UN 1951	102	Argon
UN 1951	101	Argon, liquid pressurized
UN 1952	102	Ethylene oxide and carbon dioxide
UN 1953	102	Compressed *or* liquefied gases
(UN 1953)	102	Stibine
(UN 1953)	102	Water-gas
UN 1954	101	Compressed gas, n.o.s.
UN 1954	102	Compressed *or* liquefied gases
NA 1954	101	Refrigerating machine
NA 1955	101	Chloropicrin and nonflammable, nonliquefied compressed gas mixture
UN 1955	102	Compressed *or* liquefied gases
NA 1955	101	Methyl bromide and nonflammable, nonliquefied compressed gas mixture, liquid
NA 1955	101	Organic phosphate, Organic phosphate compound, *or* Organic phosphorus compound; mixed with compressed gas
(UN 1955)	102	Perchloryl fluoride
(UN 1955)	102	Phosphorus trifluoride
NA 1955	101	Poisonous liquid *or* gas, n.o.s.
(UN 1955)	102	Tetrafluorohydrazine
NA 1956	101	Accumulator, pressurized
UN 1956	101	Compressed gas, n.o.s.
UN 1956	102	Compressed *or* liquefied gases
NA 1956	101	Dichlorodifluoromethane-dichlorotetrafluoroethane mixture
NA 1956	101	Dichlorodifluoromethane-monochlorodifluoromethane mixture
NA 1956	101	Dichlorodifluoromethane-trichloromonofluoromethane mixture
NA 1956	101	Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture
NA 1956	101	Dichlorodifluoromethane-trichlorotrifluoroethane mixture
NA 1956	101	Hexafluoropropylene oxide
NA 1956	101	Mine rescue equipment containing carbon dioxide
NA 1956	101	Water pump system
UN 1957	102	Deuterium
UN 1958	102	Dichlorotetrafluoroethane
UN 1959	102	1,1-Difluoroethylene
UN 1960	101	Engine starting fluid
UN 1961	102	Ethane
UN 1962	101	Ethylene
UN 1963	102	Helium
UN 1964	102	Hydrocarbon gases
UN 1964	101	Hydrocarbon gas, nonliquefied
UN 1965	102	Hydrocarbon gases
UN 1965	101	Hydrocarbon gas, liquefied
UN 1966	102	Hydrogen
UN 1966	101	Hydrogen, liquefied
UN 1967	102	Insecticide gases
NA 1967	101	Insecticide, liquefied gas, containing Poison A material *or* Poison B material
NA 1967	101	Parathion and compressed gas mixture
UN 1968	102	Insecticide gases
NA 1968	101	Insecticide, liquefied gas
UN 1969	102	Isobutane
UN 1970	102	Krypton
UN 1971	101	Methane
UN 1971	102	Methane *or* natural gases
UN 1972	102	Methane *or* natural gases
UN 1973	102	Chlorodifluoromethane and chloropentafluoroethane
UN 1974	102	Chlorodifluorobromomethane
UN 1975	102	Nitric oxide and nitrogen tetroxide
UN 1976	102	Octafluorocyclobutane
UN 1977	102	Nitrogen
UN 1977	101	Nitrogen, pressurized liquid
UN 1978	102	Propane
UN 1979	102	Rare gases
NA 1980	101	Helium-oxygen mixture
UN 1980	102	Rare gases
UN 1981	102	Rare gases
UN 1982	102	Tetrafluoromethane
UN 1983	102	Trifluorochloroethane
UN 1984	102	Trifluoromethane
UN 1986	102	Alcohols
NA 1986	101	Denatured alcohol
NA 1986	101	Propargyl alcohol
NA 1986	101	Rum, denatured
UN 1987	101	Alcohol, n.o.s.
UN 1987	102	Alcohols
UN 1988	102	Aldehydes
UN 1989	102	Aldehydes
NA 1989	101	Benzaldehyde
UN 1990	102	Benzaldehyde
UN 1991	102	Chloroprene
UN 1991	101	Chloroprene, inhibited

(1) Identification Number	(2) Source 172.***	(3) Description
UN 1992	101	Flammable liquid, poisonous, n.o.s.
UN 1992	102	Flammable liquids
NA 1993	101	Combustible liquid, n.o.s.
NA 1993	101	Compound, cleaning, liquid
NA 1993	101	Compound, tree *or* weed killing, liquid
NA 1993	101	Cosmetics, n.o.s.
NA 1993	101	Creosote, coal tar
NA 1993	101	Disinfectant, liquid, n.o.s.
NA 1993	101	Drugs, n.o.s.
NA 1993	101	Drugs, n.o.s.
NA 1993	101	Ethyl nitrate
UN 1993	101	Flammable liquid, n.o.s.
UN 1993	102	Flammable liquids
NA 1993	101	Fuel oil
NA 1993	101	Fuel oil, No. 1, 2, 4, 5 *or* 6
NA 1993	101	Heater for refrigerator car, liquid fuel type
NA 1993	101	Insecticide, liquid, n.o.s.
NA 1993	101	Organic peroxide, liquid *or* solution, n.o.s.
NA 1993	101	Plastic solvent, n.o.s.
NA 1993	101	Refrigerating machine
NA 1993	101	Solvent, n.o.s.
NA 1993	101	Wax, liquid
UN 1994	102	Iron carbonyl
UN 1995	102	Pesticides
UN 1996	102	Pesticides
UN 1997	102	Solvents
UN 1998	102	Solvents
NA 1999	101	Asphalt
NA 1999	101	Asphalt, cut back
UN 1999	102	Cut-backs
UN 1999	101	Tar, liquid
UN 2000	102	Celluloid
UN 2001	102	Cobalt naphthenates
UN 2002	102	Celluloid
UN 2003	102	Aluminium alkylchlorides
UN 2003	102	Aluminium alkyls
UN 2003	102	Aluminium tributyl
UN 2003	102	Metal alkyls, n.o.s.
UN 2004	102	Magnesium diamide
UN 2005	102	Magnesium diphenyl
UN 2006	102	Plastics
NA 2006	101	Pyroxylin plastic scrap
NA 2006	101	Pyroxylin plastics, rods, sheets, rolls, *or* tubes
UN 2008	102	Zirconium
UN 2008	101	Zirconium metal, dry
UN 2008	102	Zirconium metal powder, dry
UN 2009	102	Zirconium
UN 2010	102	Magnesium hydride
UN 2011	102	Magnesium phosphide
UN 2012	102	Potassium phosphide
UN 2013	102	Strontium phosphide
UN 2014	102	Hydrogen peroxide
UN 2014	101	Hydrogen peroxide solution
UN 2015	102	Hydrogen peroxide
UN 2015	101	Hydrogen peroxide solution
UN 2016	102	Ammunition
UN 2016	101	Chemical ammunition, nonexplosive
NA 2016	101	Grenade
UN 2017	102	Ammunition
UN 2017	101	Chemical ammunition, nonexplosive
NA 2017	101	Grenade, tear gas
UN 2018	102	Chloroanilines
UN 2019	102	Chloroanilines
UN 2020	102	Chlorophenates
UN 2020	102	Chlorophenols
NA 2020	101	Pentachlorophenol
NA 2020	101	Trichlorophenol
UN 2021	102	Chlorophenates
UN 2021	102	Chlorophenols
UN 2022	102	Cresylic acid
NA 2022	101	Mining reagent, liquid
UN 2023	101	Epichlorohydrin
UN 2024	102	Mercury compounds
NA 2025	101	Mercuric subsulfate, solid
UN 2025	102	Mercury compounds
UN 2025	101	Mercury compound, solid, n.o.s.
UN 2026	102	Phenylmercuric compounds, n.o.s.
UN 2027	102	Sodium arsenite
UN 2028	102	Bombs, smoke
UN 2029	102	Hydrazine
UN 2029	101	Hydrazine, anhydrous
UN 2030	102	Hydrazine
UN 2030	101	Hydrazine, aqueous solution
UN 2031	101	Nitric acid
UN 2032	102	Nitric acid
UN 2032	101	Nitric acid, fuming
UN 2033	102	Potassium oxide
UN 2034	102	Hydrogen and methane
UN 2035	102	Trifluoroethane
UN 2036	101	Xenon
UN 2037	102	Cartouche
UN 2037	102	Gas cartridges
UN 2037	102	Receptacles
UN 2038	102	Dinitrotoluenes
UN 2038	101	Dinitrotoluene, solid
UN 2044	102	2,2-Dimethylpropane
UN 2045	102	Isobutyraldehyde
UN 2046	102	p-Cymene
UN 2047	101	Dichloropropene
NA 2047	101	Dichloropropene and propylene dichloride mixture
UN 2048	102	Dicyclopentadiene
UN 2049	102	Diethylbenzene
UN 2050	102	Diisobutylene
UN 2051	102	Dimethylethanolamine
UN 2052	102	Dipentene
UN 2053	102	Methyl isobutyl carbinol
UN 2054	101	Morpholine
NA 2054	101	Morpholine, aqueous, mixture
UN 2055	102	Styrene monomer
UN 2055	101	Styrene monomer, inhibited
UN 2056	101	Tetrahydrofuran
UN 2057	102	Tripropylene
UN 2058	102	Valeraldehyde
UN 2059	101	Box toe gum
NA 2059	101	Collodion
UN 2059	102	Nitrocellulose
NA 2059	101	Nitrocellulose, colloided, granular *or* flake, wet with not less than 20% alcohol *or* solvent, *or* block, wet with not less than 25% alcohol
NA 2059	101	Pyroxylin solution
NA 2059	101	Pyroxylin solvent, n.o.s.
UN 2060	101	Box toe gum
UN 2065	102	Endrin
UN 2067	101	Ammonium nitrate fertilizer
UN 2067	102	Ammonium nitrate fertilizers
UN 2068	101	Ammonium nitrate-carbonate mixture
UN 2069	101	Ammonium nitrate mixed fertilizer
UN 2070	101	Ammonium nitrate-phosphate
UN 2071	102	Ammonium nitrate fertilizers
UN 2072	102	Ammonium nitrate fertilizer
UN 2073	102	Ammonia
UN 2073	101	Ammonia solution
UN 2074	102	Acrylamide
UN 2075	102	Chloral
UN 2076	101	Cresol
UN 2076	102	Cresols
UN 2077	102	Naphthylamine
UN 2078	101	Toluene diisocyanate
UN 2079	102	Diethylenetriamine
UN 2080	101	Acetyl acetone peroxide
UN 2081	101	Acetyl benzoyl peroxide
UN 2081	101	Acetyl benzoyl peroxide solution
UN 2082	101	Acetyl cyclohexanesulphonyl peroxide
UN 2082	102	Acetyl cyclohexane sulphonyl peroxide
UN 2083	101	Acetyl cyclohexanesulphonyl peroxide
UN 2083	102	Acetyl cyclohexane sulphonyl peroxide
UN 2084	101	Acetyl peroxide
UN 2084	101	Acetyl peroxide solution
NA 2085	101	Benzoyl peroxide
UN 2086	102	Benzoyl peroxide
UN 2087	101	Benzoyl peroxide
UN 2088	101	Benzoyl peroxide
UN 2089	101	Benzoyl peroxide
UN 2090	101	Benzoyl peroxide
UN 2091	101	tert-Butyl cumyl peroxide
NA 2091	101	tert-Butyl isopropyl benzene hydroperoxide
UN 2091	102	tert-Butyl cumyl peroxide
UN 2092	101	tert-Butyl hydroperoxide
UN 2092	102	tert-Butyl hydroperoxide
UN 2093	101	tert-Butyl hydroperoxide
UN 2093	102	tert-Butyl hydroperoxide
UN 2094	101	tert-Butyl hydroperoxide
UN 2094	102	tert-Butyl hydroperoxide
UN 2095	101	tert-Butyl peroxyacetate
UN 2095	102	tert-Butyl peracetate
UN 2096	101	tert-Butyl peroxyacetate
UN 2096	102	tert-Butyl peracetate
UN 2097	101	tert-Butyl peroxybenzoate
UN 2097	102	tert-Butyl perbenzoate
UN 2098	101	tert-Butyl peroxybenzoate
UN 2098	102	tert-Butyl perbenzoate
UN 2099	101	tert-Butyl peroxymaleate
UN 2099	102	tert-Butyl permaleate
UN 2100	101	tert-Butyl peroxymaleate
UN 2100	102	tert-Butyl permaleate
UN 2101	101	tert-Butyl peroxymaleate
UN 2101	102	tert-Butyl permaleate
UN 2102	101	Di-tert-butyl peroxide
UN 2102	102	tert-Butyl peroxide
UN 2103	101	tert-Butyl peroxyisopropyl carbonate
UN 2103	102	tert-Butyl peroxy isopropyl carbonate
UN 2104	101	tert-Butyl peroxy-3,5,5-trimethylhexanoate *or* tert-Butyl peroxyisononanoate
UN 2104	102	tert-Butyl peroxy-3,5,5-trimethyl hexanoate
UN 2105	101	tert-Butyl peroxyphthalate
UN 2105	102	tert-Butyl monoperphthalate
UN 2106	101	Di-(tert-butylperoxy)phthalate
UN 2106	102	tert-Butyl diperphthalate
UN 2107	101	Di-(tert-butylperoxy)phthalate
UN 2107	102	tert-Butyl diperphthalate
UN 2108	101	Di-(tert-butylperoxy)phthalate
UN 2108	102	tert-Butyl diperphthalate
UN 2110	101	tert-Butyl peroxypivalate
UN 2110	102	tert-Butyl perpivalate
UN 2111	102	2,2-Bis-(tert-butylperoxy) butane
UN 2111	101	2,2-Di-(tert-butylperoxy)butane
UN 2112	102	1,4-Bis-(2-tert-butylperoxy isopropyl) benzene, *or* ,1,3-bis-(2-tert-butylperoxy isopropyl) benzene
UN 2112	101	1,3-Di-(2-tert-butylperoxyisopropyl) benzene
UN 2112	101	1,3-Di-(2-tert-butylperoxyisopropyl) benzene and 1,4-Di-(2-tert-butylperoxyisopropyl) benzene mixture
UN 2113	101	p-Chlorobenzoyl peroxide
UN 2113	102	p-Chlorobenzoyl peroxide
UN 2114	101	p-Chlorobenzoyl peroxide
UN 2114	102	p-Chlorobenzoyl peroxide
UN 2115	101	p-Chlorobenzoyl peroxide
UN 2115	102	p-Chlorobenzoyl peroxide
UN 2116	101	Cumene hydroperoxide
UN 2117	102	1-Hydroxy-1'-hydroperoxy dicyclohexyl peroxide
UN 2118	102	1-Hydroxy-1'-hydroperoxy dicyclohexyl peroxide
UN 2118	101	Cyclohexanone peroxide
UN 2119	102	1-Hydroxy-1'-hydroperoxy dicyclohexyl peroxide
UN 2119	101	Cyclohexanone peroxide
UN 2120	101	Decanoyl peroxide
NA 2121	101	Dicumyl peroxide
UN 2121	101	Dicumyl peroxide, dry
UN 2122	102	Di-(2-ethylhexyl) perdicarbonate
UN 2122	101	Di-(2-ethylhexyl) peroxydicarbonate
UN 2123	102	Di-(2-ethylhexyl) perdicarbonate
UN 2123	101	Di-(2-ethylhexyl) peroxydicarbonate
UN 2124	101	Lauroyl peroxide
UN 2125	101	p-Menthane hydroperoxide
UN 2125	101	Paramenthane hydroperoxide
UN 2125	102	p-Menthane hydroperoxide
UN 2126	102	Isobutyl methyl ketone peroxide
UN 2126	101	Methyl isobutyl ketone peroxide
UN 2127	102	Ethyl methyl ketone peroxide(s)
UN 2128	102	Isononanoyl peroxide
UN 2128	101	Isononanyl peroxide
NA 2129	101	Caprylyl peroxide solution
UN 2129	102	n-Octanoyl peroxide
UN 2129	101	n-Octanoyl peroxide
UN 2130	102	n-Nonanoyl peroxide
UN 2130	101	Pelargonyl peroxide
UN 2131	102	Peracetic acid
NA 2131	101	Peracetic acid solution
UN 2131	101	Peroxyacetic acid
UN 2132	101	Propionyl peroxide
UN 2133	102	Diisopropyl perdicarbonate
NA 2133	101	Isopropyl percarbonate, unstabilized
UN 2133	101	Isopropyl peroxydicarbonate
UN 2134	102	Diisopropyl perdicarcbonate
NA 2134	101	Isopropyl percarbonate, stabilized
UN 2134	101	Isopropyl peroxydicarbonate
UN 2135	101	Succinic acid peroxide
UN 2136	101	Tetralin hydroperoxide
UN 2137	102	2,4-Dichlorobenzoyl peroxide
UN 2137	101	2,4-Dichlorobenzoyl peroxide
UN 2138	102	2,4-Dichlorobenzoyl peroxide
UN 2138	101	2,4-Dichlorobenzoyl peroxide

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2139 ...	102	2,4-Dichlorobenzoyl peroxide
UN 2139 ...	101	2,4-Dichlorobenzoyl peroxide
UN 2140 ...	101	n-Butyl-4,4-di-(tert-butylperoxy)valerate
UN 2140 ...	102	n-Butyl-4,4-bis-(tert-butyl-peroxy) valerate
UN 2141 ...	101	n-Butyl-4,4-di-(tert-butylperoxy)valerate
UN 2141 ...	102	n-Butyl-4,4-bis-(tert-butyl-peroxy) valerate
UN 2142 ...	101	tert-Butyl peroxyisobutyrate
UN 2142 ...	102	tert-Butyl perisobutyrate
UN 2143 ...	101	tert-Butyl peroxy-2-ethylhexanoate
UN 2143 ...	102	tert-Butyl per-(2-ethyl) hexanoate
UN 2144 ...	101	tert-Butyl peroxydiethylacetate
UN 2144 ...	102	tert-Butyl perdiethylacetate
UN 2145 ...	102	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2145 ...	101	1,1-Di-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2146 ...	102	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2146 ...	101	1,1-Di-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2147 ...	102	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2147 ...	101	1,1-Di-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane
UN 2148 ...	102	Bis-(1-hydroxy cyclohexyl) peroxide
UN 2148 ...	101	Di-(1-hydroxycyclohexyl) peroxide
UN 2149 ...	102	Dibenzyl perdicarbonate
UN 2149 ...	101	Dibenzyl peroxydicarbonate
UN 2150 ...	102	Di-sec-butyl perdicarbonate
UN 2150 ...	101	Di-sec-butyl peroxydicarbonate
UN 2151 ...	102	Di-sec-butyl perdicarbonate
UN 2151 ...	101	Di-sec-butyl peroxydicarbonate
UN 2152 ...	102	Dicyclohexyl perdicarbonate
UN 2152 ...	101	Dicyclohexyl peroxydicarbonate
UN 2153 ...	102	Dicyclohexyl perdicarbonate
UN 2153 ...	101	Dicyclohexyl peroxydicarbonate
UN 2154 ...	102	Bis-(4-tert-butyl cyclohexyl) perdicarbonate
UN 2154 ...	101	Di-(4-tert-butylcyclohexyl)peroxydicarbonate
UN 2155 ...	102	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexane
UN 2155 ...	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane
UN 2156 ...	102	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexane
UN 2156 ...	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexane
UN 2157 ...	102	2,5-Dimethyl-2,5-bis-(2-ethylhexanoylperoxy) hexane
UN 2157 ...	101	2,5-Dimethyl-2,5-di-(2-ethylhexanoylperoxy)hexane
UN 2158 ...	102	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexyne-3
UN 2158 ...	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3
UN 2159 ...	102	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexyne-3
UN 2159 ...	101	2,5-Dimethyl-2,5-di-(tert-butylperoxy)hexyne-3
UN 2160 ...	102	1,1,3,3-Tetramethyl butyl hydroperoxide
UN 2160 ...	101	1,1,3,3-Tetramethylbutyl hydroperoxide
UN 2161 ...	102	1,1,3,3-Tetramethyl butyl peroxy-2-ethyl hexanoate
UN 2161 ...	101	1,1,3,3-Tetramethylbutyl peroxy-2-ethylhexanoate
UN 2162 ...	101	Pinane hydroperoxide
UN 2162 ...	101	Pinane hydroperoxide solution
UN 2163 ...	101	Diacetone alcohol peroxide
UN 2163 ...	102	Diacetone alcohol peroxides
UN 2164 ...	102	Dicetyl perdicarbonate
UN 2164 ...	101	Dicetyl peroxydicarbonate
UN 2165 ...	102	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxonane
UN 2165 ...	101	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane
UN 2166 ...	102	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxonane
UN 2166 ...	101	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane
UN 2167 ...	102	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetroxonane
UN 2167 ...	101	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane
UN 2168 ...	102	2,2-Bis-(4,4-di-tert-butylperoxy cyclohexyl) propane
UN 2168 ...	101	2,2-Di-(4,4-di-tert-butylperoxycyclohexyl)propane
UN 2169 ...	101	n-Butyl peroxydicarbonate
UN 2169 ...	102	n-Butyl perdicarbonate
UN 2170 ...	101	n-Butyl peroxydicarbonate
UN 2170 ...	102	n-Butyl perdicarbonate
UN 2171 ...	101	Diisopropylbenzene hydroperoxide
UN 2171 ...	101	Diisopropylbenzene hyd·operoxide solution
UN 2172 ...	102	2,5-Dimethyl-2,5-bis-(benzoylperoxy) hexane
UN 2172 ...	101	2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane
UN 2173 ...	102	2,5-Dimethyl-2,5-bis-(benzoylperoxy) hexane
UN 2173 ...	101	2,5-Dimethyl-2,5-di-(benzoylperoxy)hexane
UN 2174 ...	102	2,5-Dimethyl-2,5-dihydroperoxy hexane
UN 2174 ...	101	2,5-Dimethyl-2,5-dihydroperoxy hexane
UN 2174 ...	101	Dimethylhexane dihydroperoxide, (with 18% or more water)
UN 2175 ...	102	Diethyl perdicarbonate
UN 2175 ...	101	Diethyl peroxydicarbonate
UN 2176 ...	101	Di-n-propyl peroxydicarbonate
UN 2177 ...	101	tert-Butyl peroxyneodecanoate
UN 2177 ...	102	tert-Butyl per-neodecanoate
UN 2178 ...	102	2,2-Dihydroperoxy propane
UN 2178 ...	101	2,2-Dihydroperoxy propane
UN 2179 ...	102	1,1-Bis-(tert-butylperoxy) cyclohexane
UN 2179 ...	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2180 ...	102	1,1-Bis-(tert-butylperoxy) cyclohexane
UN 2180 ...	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2181 ...	102	1,2-Bis-(tert-butylperoxy) cyclohexane
UN 2181 ...	101	1,2-Di-(tert-butylperoxy)cyclohexane
UN 2182 ...	101	Diisobutyryl peroxide
UN 2182 ...	102	Isobutyryl peroxide
UN 2183 ...	101	tert-Butyl peroxycrotonate
UN 2183 ...	102	tert-Butyl percrotonate
UN 2184 ...	102	Ethyl-3,3-bis-(tert-butylperoxy) butyrate
UN 2184 ...	101	Ethyl-3,3-di-(tert-butylperoxy)butyrate
UN 2185 ...	102	Ethyl-3,3-bis-(tert-butylperoxy) butyrate
UN 2185 ...	101	Ethyl-3,3-di-(tert-butylperoxy)butyrate
UN 2187 ...	101	Carbon dioxide, liquefied
UN 2188 ...	101	Arsine
UN 2189 ...	102	Dichlorosilane
UN 2190 ...	102	Oxygen difluoride
UN 2191 ...	101	Sulfuryl fluoride
UN 2191 ...	102	Sulphuryl fluoride
UN 2192 ...	101	Germane
UN 2194 ...	102	Selenium hexafluoride
UN 2195 ...	102	Tellurium hexafluoride
UN 2196 ...	101	Tungsten hexafluoride
UN 2197 ...	102	Hydrogen iodide
UN 2198 ...	102	Phosphorus pentafluoride
UN 2199 ...	101	Phosphine
UN 2202 ...	101	Hydrogen selenide
UN 2203 ...	102	Silane
UN 2204 ...	102	Carbonyl sulfide
UN 2205 ...	102	Adiponitrile
UN 2206 ...	102	Isocyanates
UN 2207 ...	102	Isocyanates
UN 2208 ...	101	Bleaching powder
UN 2208 ...	102	Calcium hypochlorite mixtures
UN 2209 ...	102	Formaldehyde
UN 2209 ...	101	Formaldehyde solution
UN 2210 ...	102	Maneb, *or* maneb preparation(s)
NA 2210 ...	101	Pesticide, water reactive
UN 2211 ...	102	Plastics moulding materials
UN 2212 ...	102	Asbestos, blue
UN 2213 ...	101	Paraformaldehyde
UN 2214 ...	102	Phthalic anhydride
NA 2215 ...	101	Maleic acid
UN 2215 ...	101	Maleic anhydride
UN 2216 ...	102	Fishmeal *or* fishscrap
NA 2216 ...	101	Fish meal *or* fish scrap containing 6% to 12% water
UN 2217 ...	102	Seed cake
UN 2218 ...	101	Acrylic acid
UN 2219 ...	102	Allyl glycidyl ether
UN 2220 ...	102	Aluminium alkyl halides, in solution
UN 2221 ...	102	Aluminium alkyl halides
UN 2222 ...	102	Anisole
UN 2224 ...	101	Benzonitrile
UN 2225 ...	102	Benzene sulphonyl chloride
UN 2226 ...	102	Benzotrichloride
UN 2227 ...	102	n-Butyl methacrylate
UN 2228 ...	102	Butylphenols
UN 2229 ...	102	Butylphenols
UN 2230 ...	102	Chlorinated anthracene oil
UN 2232 ...	102	Chloroacetaldehyde
UN 2233 ...	102	p-Chloro-o-anisidine
UN 2234 ...	102	Chlorobenzotrifluorides
UN 2235 ...	102	p-Chlorobenzyl chloride
UN 2236 ...	102	3-Chloro-4-methylphenyl isocyanate
UN 2237 ...	102	Chloronitroanilines
UN 2238 ...	102	Chlorotoluenes
UN 2239 ...	102	Chlorotoluidines
UN 2240 ...	102	Chromosulphuric acid
UN 2241 ...	102	Cycloheptane
UN 2242 ...	102	Cycloheptene
UN 2243 ...	102	Cyclohexyl acetate
UN 2244 ...	102	Cyclopentanol
UN 2245 ...	102	Cyclopentanone
UN 2246 ...	102	Cyclopentene
UN 2247 ...	102	n-Decane
UN 2248 ...	102	Di-(n-butyl)amine
UN 2249 ...	102	sym-Dichlorodimethyl ether
UN 2250 ...	102	Dichlorophenyl isocyanates
UN 2252 ...	102	1,2-Dimethoxyethane
UN 2253 ...	102	N,N-Dimethylaniline
UN 2254 ...	102	Matches
UN 2255 ...	101	Organic peroxide, sample, n.o.s.
UN 2255 ...	102	Organic peroxides, n.o.s.
UN 2256 ...	102	Cyclohexene
UN 2257 ...	102	Potassium metal
UN 2257 ...	101	Potassium, metal *or* metallic
UN 2258 ...	102	Propylene diamine
UN 2258 ...	101	Propylenediamine
UN 2259 ...	102	Triethylenetetramine
UN 2260 ...	102	Tripropylamine
UN 2261 ...	101	Xylenol
UN 2261 ...	102	Xylenols
UN 2263 ...	101	1,4-Dimethylcyclohexane
UN 2263 ...	102	Dimethylcyclohexanes
UN 2264 ...	102	N, N-Dimethylcyclohexylamine
UN 2265 ...	102	N,N-Dimethylformamide
UN 2266 ...	102	Dimethyl-N-propylamine
UN 2267 ...	102	Dimethyl thiophosphoryl chloride
UN 2269 ...	102	Dipropylene triamine
UN 2269 ...	101	Iminobispropylamine
UN 2270 ...	102	Ethylamine solution
UN 2271 ...	102	Ethyl amyl ketone
UN 2272 ...	102	N-Ethylaniline
UN 2273 ...	102	2-Ethylaniline
UN 2274 ...	102	N-Ethyl-n-benzylaniline
UN 2275 ...	102	2-Ethylbutanol
UN 2276 ...	102	2-Ethylhexylamine
UN 2277 ...	102	Ethyl methacrylate
UN 2278 ...	102	n-Heptene
UN 2279 ...	102	Hexachlorobutadiene
UN 2280 ...	102	Hexamethylenediamine
UN 2280 ...	101	Hexamethylenediamine, solid
UN 2282 ...	102	Hexanols
UN 2283 ...	102	Isobutyl methacrylate
UN 2284 ...	102	Isobutyronitrile
UN 2286 ...	102	Isododecane
UN 2287 ...	102	Isoheptene
UN 2288 ...	102	Isohexene
UN 2289 ...	102	Isophoronediamine
UN 2290 ...	102	Isophorone diisocyanate
NA 2291 ...	101	Lead chloride
UN 2291 ...	102	Lead compounds
NA 2291 ...	101	Lead fluoborate
NA 2291 ...	101	Lead sulfate
NA 2291 ...	101	Lead sulfide
NA 2291 ...	101	Lead thiocyanate
UN 2293 ...	102	4-Methoxy-4-methylpentan-2-one
UN 2294 ...	102	N-Methylaniline
UN 2295 ...	102	Methyl chloroacetate
UN 2296 ...	102	Methyl cyclohexane
UN 2296 ...	101	Methylcyclohexane
UN 2297 ...	102	Methyl cyclohexanone
UN 2298 ...	101	Cyclopentane, methyl
UN 2298 ...	102	Methyl cyclopentane
UN 2298 ...	101	Methylcyclopentane
UN 2299 ...	101	Methyl dichloroacetate
UN 2300 ...	102	2-Methyl-5-ethylpyridine
UN 2300 ...	101	Methyl ethyl pyridine
UN 2301 ...	102	2-Methylfuran
UN 2301 ...	101	Methylfuran
UN 2302 ...	102	5-Methylhexan-2-one

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2303	102	Isopropenylbenzene
UN 2304	102	Napthalene, molten
UN 2305	102	Nitrobenzenesulphonic acid
UN 2306	102	Nitrobenzotrifluoride
UN 2307	102	3-Nitro-4-chlorobenzotrifluoride
UN 2308	102	Nitrosylsulphuric acid
UN 2309	102	Octadiene
UN 2310	102	2,4-Pentanedione
UN 2311	102	Phenetidines
UN 2313	102	Picolines
UN 2315	101	Polychlorinated biphenyls
UN 2316	102	Sodium cuprocyanide
UN 2318	101	Sodium hydrosulfide, solid
UN 2318	102	Sodium hydrosulphide
UN 2319	102	Terpene hydrocarbons n.o.s.
UN 2320	102	Tetraethylenepentamine
UN 2321	102	Trichlorobenzene
UN 2322	102	Trichlorobutene
UN 2323	102	Triethyl phosphite
UN 2324	102	Triisobutylene
UN 2325	102	1,3,5-Trimethylbenzene
UN 2326	102	Trimethylcyclohexylamine
UN 2327	102	3,3,5-Trimethylhexamethylene diamine
UN 2328	102	Trimethylhexamethylene diisocyanate
UN 2329	102	Trimethyl phosphite
UN 2330	102	Undecane
UN 2331	102	Zinc chloride
UN 2331	101	Zinc chloride, solid
UN 2332	102	Acetaldehyde oxime
UN 2333	102	Allyl acetate
UN 2334	102	Allylamine
UN 2335	102	Allyl ethyl ether
UN 2336	102	Allyl formate
UN 2337	102	Phenyl mercaptan
UN 2338	102	Benzotrifluoride
UN 2339	102	2-Bromobutane
UN 2340	102	2-Bromoethyl ethyl ether
UN 2341	102	1-Bromo-3-methylbutane
UN 2342	102	Bromomethylpropanes
UN 2343	102	2-Bromopentane
UN 2344	102	Bromopropanes
UN 2345	102	3-Bromopropyne
UN 2346	102	Butanedione
UN 2346	101	Diacetyl
UN 2347	102	Butane-1-thiol
UN 2347	101	Butyl mercaptan
UN 2348	102	Butylacrylate
UN 2350	102	Butyl methyl ether
UN 2351	102	Butyl nitrite
UN 2352	102	Butyl vinyl ether
UN 2353	102	Butyryl chloride
UN 2354	102	Chloromethyl ethyl ether
UN 2356	102	2-Chloropropane
UN 2357	101	Cyclohexylamine
UN 2358	102	Cyclooctatetraene
UN 2359	102	Diallylamine
UN 2360	102	Diallylether
UN 2361	102	Diisobutylamine
UN 2362	102	1,1-Dichloroethane
UN 2363	101	Ethyl mercaptan
UN 2364	102	Propyl benzene
UN 2366	102	Diethyl carbonate
UN 2367	102	alpha-Methyl valeraldehyde
UN 2368	102	alpha-Pinene
UN 2368	101	Pinene
UN 2369	102	Ethylene glycol monobutyl ether
UN 2370	102	Hex-1-ene
UN 2371	102	Isopentenes
UN 2373	102	Diethoxymethane
UN 2375	102	Diethyl sulfide
UN 2376	102	2,3-Dihydropyran
UN 2376	101	Dihydropyran
UN 2377	102	1,1-Dimethoxyethane
UN 2379	102	1,3-Dimethylbutylamine
UN 2380	102	Dimethyldiethoxysilane
UN 2381	102	Dimethyl disulfide
UN 2382	102	Dimethylhydrazine
UN 2383	102	Dipropylamine
UN 2384	102	Dipropyl ether
UN 2385	102	Ethylisobutyrate
UN 2386	102	1-Ethyl piperidine
UN 2387	102	Fluorobenzene
UN 2388	102	Fluorotoluenes
UN 2389	101	Furan
UN 2390	102	2-Iodobutane
UN 2391	102	Iodomethylpropanes
UN 2392	102	Iodopropanes
UN 2393	102	Isobutyl formate
UN 2394	102	Isobutyl propionate
UN 2395	102	Isobutyryl chloride
UN 2396	102	Methacraldehyde
UN 2397	102	3-Methyl butan-2-one
UN 2398	102	Methyl-tert-butyl ether
UN 2399	102	1-Methylpiperidine
UN 2400	102	Methylisovalerate
UN 2401	102	Piperidine
UN 2402	102	Propanethiols
UN 2403	102	Isopropenyl acetate
UN 2404	102	Propionitrile
UN 2405	102	Isopropyl butyrate
UN 2406	102	Isopropyl isobutyrate
UN 2407	102	Isopropyl chloroformate
UN 2408	102	Isopropyl formate
UN 2409	102	Isopropyl propionate
UN 2410	102	1,2,3,6-Tetrahydropyridine
UN 2411	102	Butyronitrile
UN 2412	102	Tetrahydrothiophene
UN 2414	102	Thiophene
UN 2416	102	Trimethyl borate
UN 2417	102	Carbonyl fluoride
UN 2418	102	Sulphur tetrafluoride
UN 2420	102	Hexafluoroacetone
UN 2421	102	Nitrogen trioxide
NA 2422	101	Perfluoro-2-butene
UN 2426	101	Ammonium nitrate, solution
UN 2427	102	Potassium chlorate
UN 2428	102	Sodium chlorate
UN 2429	102	Calcium chlorate
UN 2431	102	o-Anisidine
UN 2432	102	N,N-Diethylaniline
UN 2433	102	Chloro-o-nitrotoluene
UN 2434	102	Dibenzyldichlorosilane
UN 2435	101	Ethyl phenyl dichlorosilane
UN 2435	102	Ethylphenyldichlorosilane
UN 2436	102	Thioacetic acid
UN 2437	102	Methylphenyldichlorosilane
UN 2438	102	Pivaloyl chloride
UN 2438	101	Trimethylacetyl chloride
UN 2439	101	Sodium bifluoride, solid
UN 2439	101	Sodium bifluoride, solution
UN 2439	102	Sodium hydrogen fluoride
UN 2440	102	Stannic chloride pentahydrate
UN 2441	102	Titanium trichloride
UN 2442	102	Trichloroacetyl chloride
UN 2443	102	Vanadium oxitrichloride
UN 2443	101	Vanadium oxytrichloride
NA 2443	101	Vanadium oxytrichloride and titanium tetrachloride mixture
UN 2444	101	Vanadium tetrachloride
UN 2445	102	Lithium alkyls
UN 2446	102	Nitrocresols
UN 2447	102	Phosphorus white, molten
UN 2448	102	Sulphur, molten
NA 2449	101	Ammonium oxalate
NA 2449	101	Cupric oxalate
UN 2449	102	Oxalates
UN 2451	101	Nitrogen trifluoride
UN 2456	102	2-Chloropropene
UN 2456	101	2-Chloropropene
UN 2457	101	2,3-Dimethylbutane
UN 2458	101	Hexadiene
UN 2459	102	2-Methyl-1-butene
UN 2460	102	2-Methyl-2-butene
UN 2460	101	Methyl butene
UN 2461	101	Methylpentadiene
UN 2462	101	Methyl pentane
UN 2462	102	Methylpentanes
UN 2463	102	Aluminium hydride
UN 2463	101	Aluminum hydride
UN 2464	101	Beryllium nitrate
UN 2465	102	Dichloroisocyanuric acid
NA 2465	101	Potassium dichloro-s-triazinetrione
UN 2465	101	Sodium dichloro-s-triazinetrione
UN 2466	102	Potassium superoxide
UN 2467	102	Sodium percarbonates
UN 2468	102	Trichloroisocyanuric acid
UN 2468	101	Trichloro-s-triazinetrione
NA 2468	101	(mono-(Trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry
UN 2469	102	Zinc bromate
UN 2470	102	Benzyl cyanide
UN 2471	102	Osmium tetroxide
UN 2473	102	Sodium arsanilate
UN 2474	101	Thiophosgene
UN 2475	102	Vanadium trichloride
UN 2477	102	Methyl isothiocyanate
UN 2478	102	Isocyanates
UN 2480	102	Methyl isocyanate
UN 2481	102	Ethyl isocyanate
UN 2482	102	n-Propyl isocyanate
UN 2483	102	Isopropyl isocyanate
UN 2484	102	tert-Butyl isocyanate
UN 2485	101	n-Butyl isocyanate
UN 2485	102	n-Butyl isocyanate
UN 2486	102	Isobutyl isocyanate
UN 2487	102	Phenyl isocyanate
UN 2488	102	Cyclohexyl isocyanate
UN 2489	102	Diphenylmethane diisocyanate
UN 2490	101	Dichloroisopropyl ether
UN 2491	102	Ethanolamine
UN 2491	101	Monoethanolamine
UN 2493	101	Hexamethyleneimine
UN 2495	101	Iodine pentafluoride
UN 2496	101	Propionic anhydride
UN 2497	102	Sodium phenolate
UN 2497	101	Sodium phenolate, solid
UN 2498	102	1,2,3,6-Tetrahydrobenzaldehyde
UN 2498	101	1,2,3,6-Tetrahydrobenzaldehyde
UN 2501	102	Tris-(1-aziridinyl)phosphine oxide
UN 2501	101	Tris-(1-aziridinyl) phosphine oxide
UN 2502	101	Valeryl chloride
UN 2502	102	Valeryl chlorides
UN 2503	102	Zirconium tetrachloride
UN 2503	101	Zirconium tetrachloride, solid
UN 2504	101	Acetylene tetrabromide
UN 2505	101	Ammonium fluoride
UN 2506	101	Ammonium hydrogen sulfate
UN 2507	102	Chloroplatinic acid
UN 2507	101	Chloroplatinic acid, solid
UN 2508	101	Molybdenum pentachloride
UN 2509	101	Potassium hydrogen sulfate, solid
UN 2511	102	Chloropropionic acid
UN 2512	102	Aminophenols
UN 2513	102	Bromoacetyl bromide
UN 2514	101	Bromobenzene
UN 2515	102	Bromoform
UN 2516	102	Carbon tetrabromide
UN 2517	101	Difluoromonochloroethane
UN 2518	102	1,5,9-Cyclododecatriene
UN 2520	102	Cyclooctadienes
UN 2521	102	Diketene
UN 2522	102	Dimethylaminoethyl methacrylate
UN 2524	102	Ethyl orthoformate
UN 2525	102	Ethyl oxalate
UN 2526	102	Furfurylamine
UN 2527	102	Isobutyl acrylate
UN 2528	102	Isobutylisobutyrate
UN 2529	101	Isobutyric acid
UN 2530	101	Isobutyric anhydride
UN 2531	102	Methacrylic acid
UN 2533	102	Methyl trichloroacetate
UN 2534	102	Methyl chlorosilane
UN 2535	102	Methylmorpholine
UN 2536	102	Methyltetrahydrofuran
UN 2538	102	Nitronapthalene
UN 2541	102	Terpinolene
UN 2542	102	Tributylamine
UN 2545	101	Hafnium metal, dry.
UN 2545	102	Hafnium metal powder, dry
UN 2546	102	Titanium metal powder, dry
UN 2546	101	Titanium metal powder, dry *or* wet
UN 2547	102	Sodium superoxide
UN 2550	102	Ethyl methyl ketone peroxide(s)
UN 2550	101	Methyl ethyl ketone peroxide
UN 2551	101	tert-Butyl peroxydiethylacetate, with tert-Butyl peroxybenzoate
UN 2551	102	tert-Butyl perdiethylacetate
UN 2552	102	Hexafluoroacetone hydrate
UN 2553	102	Coal tar naphtha
NA 2553	101	Coal tar naptha
UN 2553	101	Naphtha
UN 2554	102	Methyl allyl chloride
UN 2555	102	Nitrocellulose
NA 2555	101	Nitrocellulose, colloided, granular *or* flake, wet with not less than 20% water
NA 2555	101	Nitrocellulose, wet with not less than 20% water
UN 2556	102	Nitrocellulose
NA 2556	101	Nitrocellulose, wet with not less than 30% alcohol *or* solvent
NA 2557	101	Lacquer base, *or* Lacquer chips, dry
UN 2557	102	Nitrocellulose
UN 2558	102	1-Bromo-2,3-epoxypropane
UN 2562	101	tert-Butyl peroxyisobutyrate
UN 2562	102	tert-Butyl perisobutyrate
UN 2564	102	Trichloroacetic acid

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2564	101	Trichloroacetic acid solution
UN 2565	102	Dicyclohexylamine
UN 2567	101	Sodium pentachlorophenate
NA 2570	101	Cadmium acetate
NA 2570	101	Cadmium bromide
NA 2570	101	Cadmium chloride
UN 2570	102	Cadmium compounds
UN 2572	102	Phenylhydrazine
UN 2573	102	Thallium chlorate
UN 2574	102	Tricresylphosphate
UN 2582	101	Ferric chloride solution
UN 2584	101	Alkanesulfonic acid
NA 2584	101	Dodecylbenzenesulfonic acid
UN 2584	101	Toluene sulfonic acid, liquid
NA 2588	101	Insecticide, dry, n.o.s.
UN 2588	102	Pesticides
UN 2590	102	Asbestos, white
UN 2592	101	Distearyl peroxydicarbonate
UN 2592	102	Distearylperoxydicarbonate
UN 2593	102	Bis-(2-methylbenzoyl)peroxide
UN 2593	101	Di-(2-methylbenzoyl)peroxide
UN 2594	101	tert-Butyl peroxyneodecanoate
UN 2594	102	tert-Butylperneodecanoate
UN 2595	101	Dimyristyl peroxydicarbonate
UN 2595	102	Dimyristylperoxydicarbonate
UN 2596	102	3-tert-Butylperoxy-3-phenyl phthalide
UN 2596	101	3-tert-Butyl peroxy-3-phenylphthalide
UN 2597	102	Bis-(3,5,5-trimethyl-1,2-dioxolanyl-3)peroxide
UN 2597	101	Di-(3,5,5-trimethyl-1,2-dioxolanyl-3)peroxide
UN 2598	102	Ethyl-3,3-bis(tert-butylperoxy)butyrate
UN 2598	101	Ethyl-3,3-di-(tert-butylperoxy)butyrate
UN 2602	101	Dichlorodifluoromethane and difluoroethane mixture
UN 2603	102	Cycloheptatriene
UN 2604	102	Boron trifluoride diethyl etherate
UN 2605	102	Methoxymethyl isocyanate
UN 2606	102	Methyl orthosilicate
UN 2607	102	Acrolein dimer
UN 2608	102	Nitropropanes
UN 2610	102	Triallylamine
UN 2612	102	Methyl propyl ether
UN 2614	102	Methallyl alcohol
UN 2615	102	Ethyl propyl ether
UN 2616	102	Triisopropyl borate
UN 2617	102	Methyl cyclohexanol
UN 2618	102	Vinyl Toluenes
UN 2619	102	Benzyl dimethylamine
UN 2621	102	Acetyl methyl carbinol
UN 2622	102	Glycidaldehyde
NA 2626	101	Chloric acid
UN 2630	101	Sodium selenite
UN 2646	101	Hexachlorocyclopentadiene
UN 2655	102	Potassium silicofluoride
UN 2656	101	Quinoline
UN 2670	102	Cyanuric chloride
UN 2672	102	Ammonia solutions
NA 2672	101	Ammonium hydroxide
UN 2674	102	Sodium silicofluoride
NA 2683	101	Ammonium hydrosulfide solution
UN 2683	101	Ammonium sulfide solution
UN 2686	102	Diethylaminoethanol
UN 2692	101	Boron tribromide
NA 2693	101	Ammonium bisulfite, solid
NA 2693	101	Ammonium bisulfite solution
NA 2693	101	Calcium hydrogen sulfite solution
NA 2693	101	Potassium metabisulfite
NA 2693	101	Sodium hydrogen sulfite, solid
NA 2693	101	Sodium hydrogen sulfite, solution
NA 2693	101	Sodium metabisulfite
UN 2703	101	Isopropyl mercaptan
UN 2704	101	Propyl mercaptan
UN 2706	102	Diethylcarbinol
UN 2707	102	Dimethyldioxanes
UN 2708	102	Butoxyl
UN 2709	102	Butyl benzenes
UN 2710	102	Butyrone
UN 2711	102	Dibromobenzene
UN 2725	101	Nickel nitrate
UN 2728	101	Zirconium nitrate
UN 2733	102	Alkylamines and polyamines
UN 2740	102	n-Propyl chloroformate
UN 2749	102	Tetramethylsilane
UN 2752	102	1,2-Epoxy-3-ethyloxy propane
UN 2755	101	3-Chloroperoxybenzoic acid
UN 2755	102	m-Chloroperoxybenzoic acid
UN 2756	101	Organic peroxide, mixture.
UN 2756	102	Organic peroxides, mixture
UN 2757	101	Carbamate pesticide, liquid, n.o.s.
UN 2757	101	Carbamate pesticide, solid, n.o.s.
NA 2757	101	Carbaryl
NA 2757	101	Carbofuran
NA 2757	101	Carbofuran mixture, liquid
NA 2757	101	Mercaptodimethur
NA 2757	101	Mexacarbate
UN 2758	101	Carbamate pesticide, liquid, n.o.s.
UN 2759	101	Arsenical pesticide, liquid, n.o.s.
UN 2759	101	Arsenical pesticide, solid, n.o.s.
NA 2759	101	Bordeaux arsenite, liquid
NA 2759	101	Bordeaux arsenite, solid
UN 2760	101	Arsenical pesticide, liquid, n.o.s.
NA 2761	101	Endosulfan mixture, liquid
NA 2761	101	Aldrin
NA 2761	101	Aldrin, cast solid
NA 2761	101	Aldrin mixture, dry
NA 2761	101	Aldrin mixture, dry, with 65% or less aldrin
NA 2761	101	DDT *or* Dichlorodiphenyltrichloroethane
NA 2761	101	Dichlone
NA 2761	101	Dieldrin
NA 2761	101	Endosulfan
NA 2761	101	Endrin
NA 2761	101	Endrin mixture, liquid
NA 2761	101	Heptachlor
NA 2761	101	Kelthane
NA 2761	101	Kepone
NA 2761	101	Lindane
NA 2761	101	Methoxychlor
UN 2761	101	Organochlorine pesticide, liquid, n.o.s.
UN 2761	101	Organochlorine pesticide, solid, n.o.s.
NA 2761	101	TDE
NA 2761	101	Toxaphene
NA 2762	101	Aldrin mixture, liquid
NA 2762	101	Aldrin mixture, liquid, with 60% or less aldrin
NA 2762	101	Chlordane, liquid
UN 2762	101	Organochlorine pesticide, liquid, n.o.s.
UN 2763	101	Triazine pesticide, liquid, n.o.s.
UN 2763	101	Triazine pesticide, solid, n.o.s.
UN 2764	101	Triazine pesticide, liquid, n.o.s.
NA 2765	101	2,4-Dichlorophenoxyacetic acid
NA 2765	101	2,4-Dichlorophenoxyacetic acid ester
UN 2765	101	Phenoxy pesticide, liquid, n.o.s.
UN 2765	101	Phenoxy pesticide, solid, n.o.s.
NA 2765	101	Propargite
NA 2765	101	2,4,5-Trichlorophenoxyacetic acid
NA 2765	101	2,4,5-Trichlorophenoxyacetic acid amine, ester, *or* salt
NA 2765	101	2,4,5-Trichlorophenoxypropionic acid
NA 2765	101	2,4,5-Trichlorophenoxypropionic acid ester
UN 2766	101	Phenoxy pesticide, liquid, n.o.s.
NA 2767	101	Diuron
UN 2767	101	Phenylurea pesticide, liquid, n.o.s.
UN 2767	101	Phenylurea pesticide, solid, n.o.s.
UN 2768	101	Phenylurea pesticide, liquid, n.o.s.
UN 2769	101	Benzoic derivative pesticide, liquid, n.o.s.
UN 2769	101	Benzoic derivative pesticide, solid, n.o.s.
NA 2769	101	Dicamba
NA 2769	101	Dichlobenil
UN 2770	101	Benzoic derivative pesticide, liquid, n.o.s.
UN 2771	101	Dithiocarbamate pesticide, liquid, n.o.s.
UN 2771	101	Dithiocarbamate pesticide, solid, n.o.s.
NA 2771	101	Thiram
UN 2772	101	Dithiocarbamate pesticide, liquid, n.o.s.
UN 2773	101	Phthalimide derivative pesticide, liquid, n.o.s.
UN 2773	101	Phthalimide derivative pesticide, solid, n.o.s.
UN 2774	101	Phthalimide derivative pesticide, liquid, n.o.s.
UN 2775	101	Copper based pesticide, liquid, n.o.s.
UN 2775	101	Copper based pesticide, solid, n.o.s.
UN 2776	101	Copper based pesticide, liquid, n.o.s.
UN 2777	101	Mercury based pesticide, liquid, n.o.s.
UN 2777	101	Mercury based pesticide, solid, n.o.s.
UN 2778	101	Mercury based pesticide, liquid, n.o.s.
UN 2779	101	Substituted nitrophenol pesticide, liquid, n.o.s.
UN 2779	101	Substituted nitrophenol pesticide, solid, n.o.s.
UN 2780	101	Substituted nitrophenol pesticide, liquid, n.o.s.
UN 2781	101	Bipyridilium pesticide, liquid, n.o.s.
UN 2781	101	Bipyridilium pesticide, solid, n.o.s.
NA 2781	101	Diquat
UN 2782	101	Bipyridilium pesticide, liquid, n.o.s.
NA 2783	101	Azinphos methyl
NA 2783	101	Azinphos methyl mixture, liquid
NA 2783	101	Chlorpyrifos
NA 2783	101	Coumaphos
NA 2783	101	Coumaphos mixture, liquid
NA 2783	101	Diazinon
NA 2783	101	Dichlorvos
NA 2783	101	Dichlorvos mixture, dry
NA 2783	101	Disulfoton
NA 2783	101	Disulfoton mixture, dry
NA 2783	101	Disulfoton mixture, liquid
NA 2783	101	Ethion
NA 2783	101	Ethion mixture, dry
NA 2783	101	Hexaethyl tetraphosphate mixture, dry
NA 2783	101	Hexaethyl tetraphosphate mixture, liquid
NA 2783	101	Malathion
NA 2783	101	Methyl parathion, liquid
NA 2783	101	Methyl parathion mixture, dry
NA 2783	101	Methyl parathion mixture, liquid
NA 2783	101	Methyl parathion mixture, liquid, (containing 25% or less methyl parathion)
NA 2783	101	Mevinphos
NA 2783	101	Mevinphos mixture, dry
NA 2783	101	Mevinphos mixture, liquid
UN 2783	101	Mipafox
NA 2783	101	Naled
NA 2783	101	Organic phosphate mixture, Organic phosphate compound mixture, *or* Organic phosphorus compound mixture; liquid
NA 2783	101	Organic phosphate mixture, Organic phosphate compound mixture, *or* Organic phosphorus compound mixture; solid *or* dry
NA 2783	101	Organic phosphate, Organic phosphate compound, *or* Organic phosphorus compound; liquid
NA 2783	101	Organic phosphate, Organic phosphate compound, *or* Organic phosphorus compound; solid *or* dry
UN 2783	101	Organophosphorus pesticide, liquid, n.o.s.
UN 2783	101	Organophosphorus pesticide, solid, n.o.s.
NA 2783	101	Parathion, liquid
NA 2783	101	Parathion mixture, dry
NA 2783	101	Parathion mixture, liquid
NA 2783	101	Phencapton
NA 2783	101	Tetraethyl pyrophosphate, liquid
NA 2783	101	Tetraethyl pyrophosphate mixture, dry
NA 2783	101	Tetraethyl pyrophosphate mixture, liquid
NA 2783	101	Trichlorfon
UN 2784	101	Organophosphorus pesticide, liquid, n.o.s.
UN 2785	102	4-Thiopentenal
UN 2786	101	Organotin pesticide, liquid, n.o.s.
UN 2786	101	Organotin pesticide, solid, n.o.s.
UN 2787	101	Organotin pesticide, liquid, n.o.s.
UN 2789	101	Acetic acid, glacial
UN 2790	101	Acetic acid
NA 2791	101	Aircraft rocket engine
UN 2792	101	Aircraft rocket engine igniter
UN 2793	102	Iron swarf
UN 2793	101	Metal borings, shavings, turnings, *or* cuttings
NA 2794	101	Battery charger with electrolyte (acid) *or* alkaline battery fluid
NA 2794	101	Battery, electric storage, wet
NA 2794	101	Battery, electric storage, wet, with automobile, auto parts, engine
NA 2794	101	Battery, electric storage, wet, with containers of electrolyte (acid) *or* alkaline battery fluid
UN 2796	101	Electrolyte (acid) battery fluid

(1) Identification Number	(2) Source 172.***	(3) Description
UN 2797	101	Alkaline battery fluid
NA 2797	101	Alkaline battery fluid with empty storage battery
NA 2797	101	Electrolyte (acid) *or* alkaline battery fluid, packed with battery charger, radio current supply device, *or* electronic equipment and actuating device.
NA 2797	101	Electrolyte (acid) *or* alkaline battery fluid, packed with dry-storage battery
UN 2798	101	Benzene phosphorus dichloride
UN 2799	101	Benzene phosphorus thiodichloride
NA 2801	101	Coal tar dye, liquid
UN 2801	101	Dye intermediate, liquid
UN 2802	101	Copper chloride
UN 2803	101	Gallium metal, liquid
UN 2803	101	Gallium metal, solid
UN 2805	101	Lithium hydride in fused solid form
UN 2806	101	Lithium nitride
UN 2807	101	Magnetized material
NA 2809	101	Mercury, metallic
NA 2810	101	Arsenious and mercuric iodide solution
NA 2810	101	Compound, tree *or* weed killing, liquid
NA 2810	101	Drugs, n.o.s. liquid
UN 2810	101	Poisonous liquid, n.o.s. *or* Poison B, liquid, n.o.s.
UN 2810	102	Poisonous liquids, n.o.s.
(UN 2810)	102	Sodium fluoride
NA 2811	101	Drugs, n.o.s. solid
NA 2811	101	Flue dust, poisonous
NA 2811	101	Lead fluoride
NA 2811	101	Lead iodide
NA 2811	101	Lead stearate
UN 2811	101	Poisonous solid, n.o.s. *or* Poison B, solid, n.o.s.
UN 2811	102	Poisonous solids, n.o.s.
NA 2811	101	Selenium oxide
(UN 2811)	102	Silicofluorides
UN 2812	101	Sodium aluminate, solid
NA 2813	101	Lithium acetylide-ethylene diamine complex
UN 2813	101	Water reactive solid, n.o.s.
NA 2814	101	Etiologic agent, n.o.s.
UN 2814	101	Infectious substance, human, n.o.s.
UN 2815	101	N-Aminoethylpiperazine
UN 2817	101	Ammonium hydrogen fluoride solution
UN 2818	101	Ammonium polysulfide solution
UN 2819	101	Amyl acid phosphate
UN 2820	101	Butyric acid
NA 2821	101	Phenol, liquid *or* solution
UN 2823	101	Crotonic acid
UN 2826	101	Ethyl chlorothioformate
UN 2830	101	Lithium ferrosilicon
UN 2831	101	1,1,1-Trichloroethane
UN 2835	101	Sodium aluminum hydride
UN 2837	101	Sodium hydrogen sulfate solution
NA 2845	101	Ethyl phosphonous dichloride, anhydrous
NA 2845	101	Methyl phosphonous dichloride
UN 2845	101	Pyrophoric liquid, n.o.s. *or* Pyroforic liquid, n.o.s.
UN 2854	101	Ammonium silicofluoride
UN 2855	101	Zinc silicofluoride
UN 2857	101	Refrigerating machine
UN 2859	102	Ammonium metavanadate
UN 2860	102	Vanadium trioxide
UN 2861	102	Ammonium polyvanadate
UN 2862	101	Vanadium pentoxide
UN 2863	102	Sodium-ammonium-vanadate
UN 2864	102	Potassium metavanadate
UN 2867	101	Ink
UN 2868	101	Resin solution
UN 2876	101	Resorcinol
UN 2880	101	Calcium hypochlorite, hydrated
UN 2883	101	2,2-Di-(tert-butylperoxy)propane
UN 2884	101	2,2-Di-(tert-butylperoxy)propane
UN 2885	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2886	101	tert-Butyl peroxy-2-ethylhexanoate, with 2,2-Di-(tert-butylperoxy)butane
UN 2887	101	tert-Butyl peroxy-2-ethylhexanoate, with 2,2-Di-(tert-butylperoxy)butane
UN 2888	101	tert-Butyl peroxy-2-ethylhexanoate
UN 2889	101	Diisotridecyl peroxydicarbonate
UN 2890	101	tert-Butyl peroxybenzoate
UN 2891	101	tert- Amyl peroxyneodecanoate
UN 2892	101	Dimyristyl peroxydicarbonate
UN 2893	101	Lauroyl peroxide
UN 2894	101	Di-(4-tert-butylcyclohexyl)peroxydicarbonate
UN 2895	101	Dicetyl peroxydicarbonate
UN 2896	101	Cyclohexanone peroxide
UN 2897	101	1,1-Di-(tert-butylperoxy)cyclohexane
UN 2898	101	tert-Amyl peroxy-2-ethylhexanoate
UN 2899	101	Organic peroxide, trial quantity, n.o.s.
NA 2902	101	Allethrin
NA 2902	101	Insecticide, liquid, n.o.s.
UN 2910	101	Radioactive material, limited quantity, n.o.s.
UN 2911	101	Radioactive device, n.o.s.
UN 2912	101	Radioactive material, low specific activity *or* LSA, n.o.s.
UN 2918	101	Radioactive material, fissile, n.o.s.
UN 2922	101	Corrosive liquid, poisonous, n.o.s.
NA 2922	101	Dimethyl chlorothiophosphate
NA 2922	101	Sodium hydrosulfide, solution
NA 2923	101	Sodium hydrosulfide, solid,
NA 2924	101	Dichlorobutene
UN 2924	101	Flammable liquid, corrosive, n.o.s.
UN 2925	101	Flammable solid, corrosive, n.o.s.
UN 2926	101	Flammable solid, poisonous, n.o.s.
UN 2928	101	Poisonous solid, corrosive, n.o.s.
NA 9011	101	Camphene
NA 9018	101	Dichlorodifluoroethylene
NA 9026	101	Dinitrocyclohexylphenol
NA 9035	101	Gas identification set
NA 9037	101	Hexachloroethane
NA 9053	101	Oiled material
NA 9069	101	Tetramethylmethylenediamine
NA 9077	101	Adipic acid
NA 9078	101	Aluminum sulfate, solid
NA 9079	101	Ammonium acetate
NA 9080	101	Ammonium benzoate
NA 9081	101	Ammonium bicarbonate
NA 9083	101	Ammonium carbamate
NA 9084	101	Ammonium carbonate
NA 9085	101	Ammonium chloride
NA 9086	101	Ammonium chromate
NA 9087	101	Ammonium citrate, dibasic
NA 9088	101	Ammonium fluoborate
NA 9089	101	Ammonium sulfamate
NA 9090	101	Ammonium sulfite
NA 9091	101	Ammonium tartrate
NA 9092	101	Ammonium thiocyanate
NA 9093	101	Ammonium thiosulfate
NA 9094	101	Benzoic acid
NA 9095	101	n-Butyl phthalate
NA 9096	101	Calcium chromate
NA 9097	101	Calcium dodecylbenzenesulfonate
NA 9099	101	Captan
NA 9100	101	Chromic sulfate
NA 9101	101	Chromic acetate
NA 9102	101	Chromous chloride
NA 9103	101	Cobaltous bromide
NA 9104	101	Cobaltous formate
NA 9105	101	Cobaltous sulfamate
NA 9106	101	Cupric acetate
NA 9109	101	Cupric sulfate
NA 9110	101	Cupric sulfate, ammoniated
NA 9111	101	Cupric tartrate
NA 9117	101	Ethylenediaminetetraacetic acid
NA 9118	101	Ferric ammonium citrate
NA 9119	101	Ferric ammonium oxalate
NA 9120	101	Ferric fluoride
NA 9121	101	Ferric sulfate
NA 9122	101	Ferrous ammonium sulfate
NA 9125	101	Ferrous sulfate
NA 9126	101	Fumaric acid
NA 9127	101	Isopropanolamine dodecylbenzenesulfonate
NA 9134	101	Lithium chromate
NA 9137	101	Naphthenic acid
NA 9138	101	Nickel ammonium sulfate
NA 9139	101	Nickel chloride
NA 9140	101	Nickel hydroxide
NA 9141	101	Nickel sulfate
NA 9142	101	Potassium chromate
NA 9145	101	Sodium chromate
NA 9146	101	Sodium dodecylbenzenesulfonate
NA 9147	101	Sodium phosphate, dibasic
NA 9148	101	Sodium phosphate, tribasic
NA 9149	101	Strontium chromate
NA 9151	101	Triethanolamine dodycylbenzenesulfonate
NA 9152	101	Vanadyl sulfate
NA 9153	101	Zinc acetate
NA 9154	101	Zinc ammonium chloride
NA 9155	101	Zinc borate
NA 9156	101	Zinc bromide
NA 9157	101	Zinc carbonate
NA 9158	101	Zinc fluoride
NA 9159	101	Zinc formate
NA 9160	101	Zinc phenolsulfonate
NA 9161	101	Zinc sulfate
NA 9162	101	Zirconium potassium fluoride
NA 9163	101	Zirconium sulfate
NA 9170	101	Thorium metal, pyrophoric
NA 9171	101	Thorium nitrate
NA 9173	101	Uranium hexafluoride, fissile
NA 9174	101	Uranium hexafluoride, low specific activity
NA 9175	101	Uranium metal, pyrophoric
NA 9177	101	Uranyl nitrate, solid
NA 9178	101	Uranyl nitrate hexahydrate solution
NA 9180	101	Uranyl acetate
NA 9181	101	Radioactive material, n.o.s.
NA 9182	101	Radioactive material, special form, n.o.s.
NA 9183	101	Organic peroxide, liquid *or* solution, n.o.s.
NA 9184	101	Pyrethrins
NA 9185	101	Plutonium nitrate, solution
NA 9187	101	Organic peroxide, solid, n.o.s.
NA 9188	101	Hazardous substance, liquid *or* solid, n.o.s.
NA 9189	101	Hazardous waste, liquid *or* solid, n.o.s.
NA 9190	101	Ammonium permanganate
NA 9191	101	Chlorine dioxide hydrate, frozen
NA 9193	101	Oxidizer, corrosive, liquid, n.o.s.
NA 9194	101	Oxidizer, corrosive, solid, n.o.s.
NA 9195	101	Metal alkyl, solution, n.o.s.
NA 9199	101	Oxidizer, poisonous, liquid, n.o.s.
NA 9200	101	Oxidizer, poisonous, solid, n.o.s.
NA 9201	101	Antimony trioxide

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8. (16.) In § 172.201 paragraph (a)(1)(iii) is revised to read as follows:

§ 172.201 General entries.

(a) * * *

(1) * * *

(iii) Must be identified by the entry of an "X" placed before the proper shipping name in a column captioned "HM." (The "X" may be replaced by "RQ," if appropriate.)

* * * * *

9. (17.) Section 172.202 is revised to read as follows:

§ 172.202 Description of hazardous materials on shipping papers.

(a) The shipping description of a hazardous material on a shipping paper must include:

(1) The proper shipping name prescribed for the material in § 172.101 or § 172.102 (when authorized);

(2) The hazard class prescribed for the material in the same section. Except for a proper shipping name that contains words describing more than one hazard class, inclusion of the hazard class is not required when the words of the proper shipping name contain the key word or words of the hazard class of the material, such as Flammable liquid; Poison B, liquid; Radioactive device; or Corrosive liquid;

(3) The identification number (preceded by "UN" or "NA" as appropriate) prescribed for the material in the same section; and

(4) Except for empty packagings, the total quantity (by weight, volume, or as otherwise appropriate) of the hazardous material covered by the description.

(b) Except as provided in this subpart, the basic description specified in paragraphs (a) (1), (2) and (3) of this section must be shown in sequence. For example: "Gasoline, Flammable liquid, UN1203."

(c) The total quantity of the material covered by one description must appear before or after, or both before and after, the basic description required and authorized by this subpart.

(1) Abbreviations may be used to specify the type of packaging and weight or volume. For example: "40 cyl. Nitrogen, Nonflammable gas, UN1066, 800 pounds"; "1 box Cement, liquid, n.o.s., Flammable liquid, NA1133, 25 lbs."

(2) The type of packaging and destination marks may be entered in any appropriate manner before or after the basic description.

(d) Technical and chemical group names may be entered in parentheses between the proper shipping name and hazard class.

10. (18.) Section 172.203 is revised to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(c) *Hazardous substances.* (1) If the proper shipping name for a mixture or solution that is a hazardous substance does not identify the constituents making it a hazardous substance, the name or names of such hazardous substance constituents as shown in § 172.101 shall be entered in association with the basic desciption. This requirement also applies when descriptions from the Optional Table in § 172.102 are used.

* * * * *

(e) *Empty packagings.*

(1) Except for a tank car, or any packaging that still contains a hazardous substance, the description on the shipping paper for an empty packaging containing the residue of a hazardous material may include the word(s) "EMPTY" or "EMPTY: Last contained * * *" as appropriate in association with the basic description of the hazardous material last contained in the packaging.

* * * * *

(i) *Transportation by water.*

* * * * *

(2) The shipping paper for a hazardous material offered for transportation by vessel to any country outside the United States must have in parentheses the technical name of the material immediately following the proper shipping name when the material is described by an n.o.s. entry in § 172.101 or § 172.102. For example: "Corrosive liquid, n.o.s. (Caprylyl chloride), UN1760." If the material is a mixture of two or more hazardous materials, the names of at least two components most predominately contributing to the hazard or hazards of the mixture shall be entered in parentheses. For example: "Flammable liquid, corrosive, n.o.s. (Methyl alcohol, Potassium hydroxide), UN2924." The provisions of this paragraph do not apply—

(i) If the n.o.s. description for the material (other than a mixture of hazardous materials of different classes meeting the definition of more than one hazard class) contains the name of the chemical element or group which is primarily responsible for the material being included in the hazard class indicated. For example: "Mercury compound, solid, n.o.s., Poison B, UN2025."

(ii) If the n.o.s. description for the material (which is a mixture of hazardous materials of different classes meeting the definition of more than one hazard class) contains the name of the chemical element or group responsible for the material meeting the definition of one of these classes. In such cases, only the technical name of the component that is not appropriately identified in the n.o.s. description shall be entered in parentheses. For example: "Carbamate pesticide, liquid, n.o.s. (contains Xylene), Flammable liquid, UN2758."

(iii) To the identification of more than one hazardous material in a mixture prior to July 1, 1981.

* * * * *

(j) *Dangerous When Wet.* The words "Dangerous When Wet" shall be entered on the shipping paper in association with the basic description when a package covered by the basic description is required to be labeled with a DANGEROUS WHEN WET label.

(1) This requirement does not apply prior to July 1, 1981.

(k) *Poisonous materials.* Notwithstanding the class to which a material is assigned—

(1) If the name of the compound or principal constituent that causes a material to meet the definition of a poison (according to this subchapter) is not included in the proper shipping name for the material, the name of that compound or constituent shall be entered on the shipping paper in association with the shipping description for the material. The name of the compound or principal constituent may be either a technical name or any name for the material that is listed in the NIOSH Registry. This subparagraph does not apply to—

(i) A material having a proper shipping name that includes the chemical element or group which causes the material to be a poison.

(ii) Limited Quantities.

(2) If a liquid or solid material in a package meets the definition of a poison according to this subchapter, and the fact that it is a poison is not disclosed in the shipping name or class entry, the word "Poison" shall be entered on the shipping paper in association with the shipping description.

(3) The provisions of paragraphs (k)(1) and (2) of this section do not apply—

(i) To consumer commodities, ORM-D, or

(ii) To compounds or principal constituents that would cause death by corrosive destruction to tissue rather than by systemic poisoning.

(iii) Prior to July 1, 1981.

* * * * *

11. Section 172.300 is redesignated and revised as § 172.301; and a new § 172.300 is added to read as follows:

§ 172.300 Applicability.

(a) Each person who offers a hazardous material for transportation shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required by this subpart.

(b) When assigned the function by this subpart, each carrier that transports a hazardous material shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required by this subpart.

(21.)

§ 172.301 General marking requirements.

(a) Except as provided by this subchapter, each person who offers for transportation a hazardous material in a packaging having a rated capacity of 110 gallons or less shall mark the package with the proper shipping name and identification number (preceded by "UN" or "NA" as appropriate) assigned to the material in § 172.101 or § 172.102 (when authorized).

(1) The proper shipping name is not required to include the word "Waste" as specified by § 172.101(c)(10) if the package bears the EPA marking prescribed by 40 CFR 262.32.

(b) When it has been determined by the shipper that a package has been previously marked as required for the material it contains, it need not be remarked. (For empty packagings, see § 173.29 of this subchapter.)

(c) This section does not apply to—

(1) Display of identification numbers on packages containing Limited Quantities (see § 171.8 of this subchapter) or materials classed as ORM–D (see § 173.1200 of this subchapter) when packed with no other hazardous material.

(2) Display of identification numbers on packagings having a rated capacity of 110 gallons or less filled for shipment prior to July 1, 1983.

(3) Display of new or changed proper shipping names for hazardous materials adopted under Amendment No. 172–58 on packages filled for shipment prior to July 1, 1981.

Note.—EPA requires special markings for hazardous wastes. See 40 CFR 262.32.

12. § 172.302 is revised to read as follows:

§ 172.302 Export shipments by water.

(a) Each package of hazardous material offered for export by water and described by a "n.o.s." entry in § 172.101 or § 172.102 (when authorized) must have the technical name or names of the material added in parentheses immediately following the proper shipping name (see § 172.203(i)(2)). For example: Corrosive liquid, n.o.s. (Caprylyl chloride).

(b) For a mixture of two or more hazardous materials, the technical name of at least two components most predominately contributing to the hazard or hazards of the mixture must be added in parentheses immediately following the proper shipping name.

(c) The requirements of this section to identify more than one hazardous material in a mixture do not apply prior to July 1, 1981.

13. § 172.308 is revised to read as follows:

§ 172.308 Authorized abbreviations.

(a) Abbreviations may not be used in a proper shipping name marking except in the following instances—

(1) For marking descriptions of ammunition, such as Ammunition for cannon without projectile, etc., the words "with" or "without" may be abbreviated as "W" or "W/O". For example: "Ammunition for cannon W/O projectile."

(2) The abbreviation "ORM" may be used in place of the words "Other Regulated Material."

14. (22.) In § 172.316 the introductory text of paragraph (a) is revised, and paragraph (c) is revised, as follows:

§ 172.316 Packagings containing material classed as ORM.

(a) Each packaging having a rated capacity of 110 gallons or less and containing a material classed as ORM–A, B, C, D, or E must be plainly, durably, and legibly marked on at least one side or end with the appropriate ORM designation immediately following or below the proper shipping name of the material. The appropriate ORM designation must be placed within a rectangle that is approximately ¼ inch (6.3 mm.) larger on each side than the designation. The appropriate designation for each ORM must be:

* * * * *

(c) The marking ORM–A, B, C, D, or E is the certification by the person offering the package for transportation that the material is properly described, classed, packaged, marked and labeled (when appropriate) and in proper condition for transportation according to the applicable regulations of this subchapter. This form of certification does not preclude the requirement for a certificate on a shipping paper when required by Subpart C of this Part.

15. (23.) The section heading and the text of § 172.324 are revised to read as follows:

§ 172.324 Hazardous substances.

(a) If the proper shipping name for a mixture or solution that is a hazardous substance does not identify the constituents making it a hazardous substance, the name or names of such hazardous substance constituents as shown in § 172.101 shall be entered in association with the proper shipping name on each packaging having a capacity of 110 gallons or less. This requirement also applies when descriptions from the Optional Table in § 172.102 are used.

(b) The letters RQ shall be displayed in association with the proper shipping name on a packaging having a capacity of 110 gallons or less that contains a hazardous substance.

(c) This section does not apply prior to July 1, 1983.

16. (24.) In § 172.326 "(when authorized)" is added following the reference to § 172.102 in subparagraph (a)(2) and paragraph (d); the words "or ends" are deleted in the first line of subparagraph (a)(2)(ii); and in the second line of paragraph (d) "paragraph (a)" is revised to read "subparagraph (a)(2)".

17. (25.) In § 172.328 paragraph (a) is revised by addition of "(when authorized)" before the period at the end of the sentence in line 8; paragraphs (a)(1) and (b) are revised as follows; and paragraph (d) is amended by adding "in letters no less than two inches (50.8 mm.) in height" before the period at the end of the paragraph.

§ 172.328 Cargo tanks.

(a) * * *

(1) A person who offers a motor carrier a hazardous material for transportation in a cargo tank shall provide the motor carrier the required identification numbers on placards or shall affix orange panels containing the required identification numbers, prior to or at the time the material is offered for transportation unless the cargo tank is already marked with the identification number required by this subpart in accordance with paragraph (f) of this section and § 173.29(c) of this subchapter.

* * * * *

(b) When the name of a material is required by this subchapter to be marked on a cargo tank, it must be legibly displayed on each end and each side in lettering no less than two inches (50.8 mm.) in height.

* * * * *

18. (26.) In § 172.330 paragraphs (a)(2), (c)(1) and (e) are revised by the addition of "(when authorized)" immediately following "§ 172.102"; and the introductory text of paragraph (g) and subparagraphs (g) (1) and (2) are revised to read as follows:

§ 172.330 Tank cars and multi-unit tank car tanks.

* * * * *

(g) Each multi-unit tank car tank and each tank car (except when it contains a combustible liquid) must remain marked when empty unless—

(1) Reloaded with a material not subject to this subchapter, or

(2) Sufficiently cleaned of residue and purged of vapor to remove any potential hazard.

* * * * *

19. (27.) and (28.) Section 172.332 is revised to read as follows:

§ 172.332 Identification number markings.

(a) *General:* When required by this subpart, identification numbers shall be displayed on orange panels or placards as specified in this section.

(b) *Orange panels:* Display of an identification number on an orange panel shall be in conformance with the following:

(1) The orange panel must be 6¼ inches (16 cm.) high by 15¾ inches (40 cm.) wide with a 9/16 inch (15 mm.) black outer border. The identification number shall be displayed in 4-inch (10 cm.) black Helvetica Medium numerals on the orange panel. Measurements may vary from those specified plus or minus 0.2 of an inch (5 mm.).

(2) The orange panel may be made of any durable material prescribed for placards in § 172.519, and shall be of the orange color specified for labels or placards in Appendix A to this Part.

(3) The name and hazard class of a material represented by the identification number may be shown in the upper left border of the orange panel in letters not more than ¼ inch (18 points) high.

(4) Except for size and color, the orange panel and identification numbers shall be as illustrated for Liquefied petroleum gas:



(c) *Placards:* Display of an identification number on a hazard warning placard shall be in conformance with the following:

(1) The identification number shall be displayed across the center area of the placard in 3½ inch (89 mm.) black Alpine Gothic or Alternate Gothic No. 3 numerals on a white background 4 inches (10 cm.) high and approximately 8½ inches (21.5 cm.) wide.

(2) The top of the 4-inch (10 cm.) high white background shall be approximately 1⅝ inches (40.0 mm.) above the placard horizontal center line.

(3) When an identification number is displayed on a placard the United Nations hazard class number for the material shall be displayed in the lower corner of each placard as specified in § 172.519(d).

(4) For a COMBUSTIBLE placard used to display an identification number, the entire background below the white background for the identification number must be white during transportation by rail or highway.

(5) The name of the hazardous material and the hazard class may be shown in letters not more than ¼ inch (18 points) high immediately within the upper border of the space on the placard bearing the identification number of the material.

(6) If an identification number is placed over the word(s) on a placard, the word(s) should be substantially covered to maximize the effectiveness of the identification number.

(d) Except for size and color, the display of an identification number on a placard shall be as illustrated for Acetone:



20. § 172.334 is revised to read as follows:

§ 172.334 Identification numbers; prohibited display.

(a) An identification number may not be displayed on a POISON GAS, RADIOACTIVE or EXPLOSIVES placard.

(b) An identification number may not be displayed on an orange panel or a placard affixed to any package, freight container or transport vehicle that does not contain a hazardous material associated with that identification number in § 172.101 or § 172.102 (when authorized).

(c) Except as required by § 172.332(c)(4) for a combustible liquid, the identification number of a material may not be displayed on a placard other than the one required by Subpart F of this Part for the material.

(d) Except as provided in § 172.336, a placard bearing an identification number may not be used to meet the requirements of Subpart F of this Part unless it is the correct identification number for all hazardous materials of the same class in the transport vehicle or freight container on which it is displayed.

(e) Except as specified in § 172.338, an identification number may not be displayed on an orange panel on a cargo tank unless affixed to the cargo tank by the person offering the hazardous material for transportation in the cargo tank.

(f) If a placard is required by § 172.504, an identification number may not be displayed on an orange panel unless it is displayed in proximity to the placard.

21. (28A.) § 172.336 is revised to read as follows:

§ 172.336 Identification numbers; special provisions and exceptions.

(a) When not required or prohibited by this subpart, identification numbers may be displayed on a transport vehicle or a freight container in the manner prescribed by this subpart.

(b) For hazardous materials in hazard classes for which placards are not required, identification numbers may be displayed on a plain white square-on-point configuration having the same outside dimensions as those prescribed by this Part for placards. An identification number displayed as authorized by this paragraph is not considered a placard.

(1) The 4-inch (10 cm.) by 8½ inch (21.5 cm.) area containing the identification number shall be located as prescribed by § 172.332 (c)(2) and (c)(3) and may be outlined with a solid or dotted line border.

(c) Identification numbers are not required—

(1) On the ends of a portable tank, cargo tank or tank car having more than one compartment if hazardous materials having different identification numbers are being transported therein. In such a circumstance, the identification numbers on the sides of the tank shall be displayed in the same sequence as the compartments containing the materials they identify.

(2) On a cargo tank containing only gasoline, if the cargo tank is marked "Gasoline" on each side and rear in letters no less than 2 inches high, or is placarded in accordance with § 172.542(c).

(3) On a cargo tank containing only fuel oil, if the cargo tank is marked "Fuel Oil" on each side and rear in letters no less than 2 inches high, or is placarded in accordance with § 172.544(c).

(4) For different liquid distillate fuels, including gasoline, in a compartmented cargo tank or tank car, if the identification number is displayed for the distillate fuel having the lowest flash point.

(5) For each of the different liquid distillate fuels, including gasoline, transported in a cargo tank, if the identification number displayed is for the liquid distillate fuel having the lowest flash point.

(6) On nurse tanks meeting the provisions of § 173.315(m) of this subchapter.

(7) On multi-unit tank car tanks prior to July 1, 1983.

(8) On orange panels or placards prior to November 1, 1981.

22. (29.) Section 172.338 is revised to read as follows:

§ 172.338 Replacement of identification numbers.

If more than one of the identification number markings on the placards or orange panels that are required to be displayed are lost or destroyed during transportation, the carrier shall replace all the missing identification number(s) as soon as practicable. However, in such a case, the numerals may be entered legibly by hand using an indelible marking material. This section does preclude required compliance with the placarding requirements of this subchapter.

23. (30.) In § 172.400 paragraph (a) is revised by the addition of the words "or § 172.102 (when authorized)" following § 172.101 in the penultimate line; paragraph (b)(8) is revised to read as follows:

§ 172.400 General labeling requirements.

* * * * *

(b) * * *

(8) Package containing a material classed as ORM–A, B, C, D, or E if that package does not contain any other material classed as a hazardous material that requires labeling.

* * * * *

24. (32.) In § 172.407 the introductory sentence of paragraph (g), subparagraph (g)(1) and paragraph (h), are revised; and paragraph (j) is added to read as follows:

§ 172.407 Label specifications.

* * * * *

(g) A label may contain the UN and IMCO hazard class number and, when appropriate, the division number. The number must be—

(1) Black unless it is on a CORROSIVE label when it must be white, or unless other colors are authorized by this Part.

* * * * *

(h) For import shipments only, a label conforming to the requirements of IMCO or the United Nations Recommendations affixed to a package in another country may contain inscriptions required by the country or origin.

* * * * *

(j) EXPLOSIVE A, EXPLOSIVE B, and EXPLOSIVE C labels may bear inscriptions in addition to those prescribed in this subpart, if required for import or export purposes.

25. In § 172.415 the second sentence of paragraph (b) is revised to read as follows:

§ 172.415 NON-FLAMMABLE GAS label.

* * * * *

(b) * * *. The symbol and inscription must be black or white. The solid line border and, if used, the hazard class number must be the color of the symbol.

26. In § 172.417 the second sentence of paragraph (b) is revised to read as follows:

§ 172.417 FLAMMABLE GAS label.

* * * * *

(b) * * *. The symbol and inscription must be black or white. The solid line border and, if used, the hazard class number must be the color of the symbol.

27. In § 172.419 the last sentence of paragraph (b) is revised to read as follows:

§ 172.419 FLAMMABLE LIQUID label.

* * * * *

(b) * * *. The symbol and inscription must be black or white. The solid line border and, if used, the hazard class number must be the color of the symbol.

28. In § 172.423 the last sentence of paragraph (b) is revised to read as follows:

§ 172.423 DANGEROUS WHEN WET label.

* * * * *

(b) * * *. The symbol and inscription must be black or white. The solid line border and, if used, the hazardous class number must be the color of the symbol.

29. In § 172.500 paragraph (b)(2) is revised to read as follows:

§ 172.500 Applicability of placarding requirements.

* * * * *

(b) * * *

(2) Hazardous materials classed as ORM–A, B, C, D, or E, or

* * * * *

29a. In § 172.516 paragraph (c)(5) is revised to read as follows:

§ 172.516 Visibility and display of placards.

* * * * *

(c) * * *

(5) Have the words or identification number (when authorized) printed on it displayed horizontally, reading from left to right.

* * * * *

30. (35.) In § 172.519 paragraph (d) is revised to read as follows:

§ 172.519 General specifications for placards.

* * * * *

(d) The hazard class and division number prescribed for dangerous goods in the UN Recommendations titled "Transport of Dangerous Goods" may be entered in the lower corner of the diamond on each placard. If a placard is used to display identification numbers as authorized by § 172.332, the class number must be entered in a numeral approximately 1¾ inches (45 mm.) in height (numeral height may be between 1⅝ inches (41 mm.) and 1¾ inches (45 mm.)). It must be black on each placard except when on a NON–FLAMMABLE GAS, FLAMMABLE GAS, FLAMMABLE, COMBUSTIBLE or CORROSIVE placard. The class number on a NON–FLAMMABLE GAS, FLAMMABLE GAS, FLAMMABLE and COMBUSTIBLE pacard may be white or black. The class number on a CORROSIVE placard must be white,

and on a COMBUSTIBLE placard with a white bottom as prescribed by § 172.332(c)(4), the class number must be red or black.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

31. In § 173.8 paragraph (a) is revised by changing the first line to read as follows:

§ 173.8 Canadian shipments and packagings.

(a) Except for hazardous wastes and hazardous substances, shipments of hazardous materials * * *.

* * * * *

31a. (37.) In § 173.21 paragraph (b)(3) is added to read as follows:

§ 173.21 Forbidden materials and packages.

* * * * *

(b) * * *

(3) For organic peroxides, the decomposition temperature of 130°F. (54.4°C) does not apply if the controlled temperature requirements specified in Chapter 11 of the UN Recommendations are applied to determine when refrigeration is required.

* * * * *

32. (39.) In § 173.29 paragraph (a)(1) and (a)(3)(ii) are revised; and paragraph (d) is added to read as follows:

§ 173.29 Empty packagings, portable tanks, cargo tanks, and tanks cars.

(a) Except as otherwise provided in this section, a packaging having a capacity of 110 gallons or less that previously contained a hazardous material may not be offered for transportation unless offered in the same manner as required when it previously contained a greater quantity of hazardous material.

(1) This paragraph does not apply to—

(i) A packaging that has been cleaned and purged of all residue, or

(ii) A packaging filled with a material that is not subject to this subchapter.

* * * * *

(3) * * *

(ii) Is not subject to the shipping paper requirements of this subchapter when collected and transported by a contract or private carrier for reconditioning or reuse.

* * * * *

(d) An empty packaging bearing a label or marking that is described in this subchapter and that pertains to the identification of a hazardous material may not be offered for transportation, unless the packaging contains some of the hazardous material that previously required display of the label or marking. This prohibition does not apply to transportation in a transport vehicle or freight container if such a packaging is not visible during transportation and the packaging is loaded by the shipper and unloaded by the shipper or consignee.

33. (41.) In § 173.118a paragraph (b) is revised to read as follows:

§ 173.118a Exceptions for combustible liquids.

* * * * *

(b) A combustible liquid that is a hazardous substance or a hazardous waste in a packaging having a rated capacity of 110 gallons or less, and a combustible liquid in a portable tank, cargo tank or tank car is not subject to the requirements of this subchapter except those pertaining to:

(1) Shipping papers, waybills, switching orders, and hazardous waste manifests;

(2) Marking of portable tanks and marking of packages having a rated capacity of 110 gallons or less that contain hazardous substances or hazardous wastes;

(3) Display of identification numbers on portable tanks, cargo tanks, tank cars and multi-unit tank car tanks;

(4) Placarding of portable tanks, cargo tanks and tank cars;

(5) Carriage aboard aircraft and vessels; and

(6) Reporting incidents as prescribed by §§ 171.15, 171.16 and 171.17 of this subchapter.

33a. In § 173.245 paragraph (b) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

* * * * *

(b) Except when transportation by aircraft or vessel is involved and except for a hazardous waste or a hazardous substance, a material classed as a corrosive material that is corrosive only to steel and does not meet the definition of any other hazard class defined in this subchapter, is excepted from the requirements of this subchapter for rail or highway when transported in a portable tank, cargo tank, or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported.

34. (47.) In § 173.364 the sentence within parentheses at the end of paragraph (a) is revised to read as follows:

§ 173.364 Limited quantities of Poison B solids.

(a) * * *. (In addition, these shipments are not subject to Subpart F of Part 172 of this subchapter, to Part 174 of this subchapter except § 174.24 and § 174.680, or to Part 177 of this subchapter except § 177.817 and § 177.841(e).)

* * * * *

35. (49.) In § 173.500 the Note following paragraph (a) is revised to read as follows:

§ 173.500 Definitions.

(a) * * *

Note.—There is no change in the applicability of Subparts K, L, and M of this Part for materials classed as ORM-A, B, or C when they are hazardous substances or hazardous wastes (see § 172.101(g)(1)).

* * * * *

PART 174–CARRIAGE BY RAIL

36. (55.) In § 174.25 the Explosives C entry in the Table in paragraph (a)(2) is revised; paragraphs (b) and (c) are revised to read as follows:

§ 174.25 Additional information on waybills, switching orders and other billings.

(a) * * *

(2) * * *

Hazardous material or class	Placard notation	Placard endorsement
*	* * * *	*
Explosives, Class C.	Placarded DANGEROUS.	Do.
*	* * * *	*

(b)* * *

(1) The shipping description consisting of—

(i) The proper shipping name specified for the material in § 172.101 or § 172.102 (when authorized) of this subchapter;

(ii) The hazardous class specified for the material in the same Table;

(iii) The identification number (preceeded by "UN" or "NA" as appropriate) prescribed for the material in the same Table; and

(iv) The total quantity (by weight, volume, or as otherwise appropriate) of the hazardous material covered by the description.

(2) Except when a certified bill of lading is tendered to the carrier, the shipper's certification and signature specified in § 172.204 of this subchapter.

(3) The placard notation specified in the Table in § 174.25(a).

(4) For any entry for a material that is a hazardous substance, the letters "RQ" entered either before or after the basic description.

(c) For an empty tank car that previously contained a hazardous material, other than combustible liquid, or unless the tank car has been reloaded with a material not subject to this subchapter, or has been sufficiently

cleaned of residue and purged of vapor to remove any potential hazard, the billing must show the word(s) "EMPTY" or "EMPTY: Last Contained" followed by the basic description of the hazardous material last contained in the tank car, and the word, "Placarded." For example, "EMPTY: Sulfuric acid, Corrosive material, UN1830, Placarded:" or "EMPTY: Last Contained Sulfuric acid, Corrosive material, UN1830, Placarded".

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

37. In § 175.45 paragraph (d) is added to read as follows:

§ 175.45 Reporting hazardous materials incidents.

* * * * *

(d) Each operator who accepts for transportation or transport a hazardous substance shall comply with the reporting requirements of § 171.17 of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

38. In § 177.817 paragraph (b) is revised to read as follows:

§ 177.817 Shipping papers.

* * * * *

(b) *Shipper certification.* An initial carrier may not accept a hazardous material offered for transportation unless the shipping paper describing the material includes a shipper's certification which meets the requirements in § 172.204 of this subchapter. Except for a hazardous waste, the certification is not required for shipments to be transported entirely by private carriage and for bulk shipments to be transported in a cargo tank supplied by the carrier.

* * * * *

(49 U.S.C. 1803, 1804; 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12221 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). Modification is not necessary to the previously prepared regulatory evaluation and environmental assessment which are available for review in the docket.

Issued in Washington, D.C., on October 24, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-34927 Filed 11-7-80; 8:45 am]

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federal register

Monday
November 10, 1980

Part III

Department of Energy

Economic Regulatory Administration

Synthetic Natural Gas Feedstock Allocation Revision; Final Rule

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 210, 211

[Docket No. ERA-R-80-22]

Synthetic Natural Gas Feedstock Allocation Revision

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing amendments to its synthetic natural gas (SNG) feedstock allocation regulations that will exempt SNG feedstock use of naphtha from the allocation regulations and provide allocations of propane to existing SNG plants that use propane as feedstock at their historical level of usage. DOE has decided to exempt naphtha used as SNG feedstock and give plants using propane a permanent allocation as the simplest means of eliminating unneeded regulatory burdens from SNG plant operators.

DATES: Amendments will become effective on December 15, 1980.

FOR FURTHER INFORMATION CONTACT:

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

William Caldwell (Office of Regulatory Policy), Economic Regulatory Administration, Room 7202, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3256.

Richard Johnson (Office of Petroleum Operations), Economic Regulatory Administration, Room 2310, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3802.

William Funk or Joel M. Yudson (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6736 or 252-6744.

SUPPLEMENTAL INFORMATION:

I. Background

On July 11, 1980, we issued a proposal (45 FR 48647, July 21, 1980) to exempt the SNG feedstock use of naphtha from the allocation regulations. All other uses of naphtha have been exempted from the allocation program since September 1976.

The notice also proposed alternative methods of easing the regulatory burden on SNG plants that use propane for SNG feedstock. The first alternative would have deleted the restrictive criteria set forth in 10 CFR 211.29 that have to be satisfied before an allocation of propane used for SNG feedstock can be approved. Under that alternative, firms without a base period use would still have been required to apply for an allocation assignment under the general criteria of Subpart C of 10 CFR Part 205. The second alternative would have provided allocations of propane at historical use levels for all existing SNG plants.

II. Comments Received

Sixteen written and oral comments on the proposals were received from major refiners, gas utilities and gas transmission companies that operate SNG plants, associations representing natural gas and liquefied petroleum gas distributors, an association representing fuel oil marketers, and a group representing the petrochemical industry.

One refiner stated that these simplifying changes are a positive step toward complete deregulation and would improve productivity by reducing the unnecessary administrative burdens imposed by the regulations. Another stated that with the current surplus of naphtha and adequate supply of propane, now is an appropriate time to decontrol completely naphtha and propane used for SNG feedstock. A third refiner, which also operates a petrochemical facility, favored the complete decontrol of naphtha and propane. It stated that if DOE provides automatic allocations of propane to SNG plants without allocations, it should also allocate propane to petrochemical plants without allocations.

This latter argument has some merit, particularly in light of the number of petrochemical plants that have begun operation since the 1972-73 base period for propane. In the event of future shortages of propane, DOE would seriously consider updating the base period for propane to create allocation rights for petrochemical plant operators, as well as SNG plant operators. On the other hand, under § 211.29, SNG plant operators have been required to meet more restrictive criteria than all other categories of ultimate consumer.

Gas utilities and gas transmission companies were generally in favor of ERA's proposals, but preferred to see complete decontrol of propane as well as naphtha. In the event that propane would remain under control, such firms were willing to accept the establishment of permanent allocations for existing SNG plants. In general these companies supported ERA's assessment of the supply projections for SNG feedstock and for natural gas.

The Fuel Oil Marketers Association opposed the proposals because they believed such rules would encourage the switching from fuel oil to natural gas. It was asserted that this policy is contrary to our national energy policy. We believe that these rules will not lead to additional SNG production, because with the currently adequate supplies of feedstock and the use limitation waiver in effect, existing SNG plants are already able to meet their feedstock requirements through September 1981.

The group representing the petrochemical manufacturers, the Petrochemical Energy Group (PEG), opposed changes to the regulations that would allow SNG plants easier access to petroleum-based feedstocks. It cited a number of reasons why the proposals should not be adopted, but did not show that the regulation would harm the petrochemical industry. Among PEG's assertions is that the rule would be contrary to the Nation's energy policy toward SNG and would encourage the use of oil to back out natural gas. It was claimed that the rule would preclude effective allocation of SNG feedstocks in the event that an unforeseen shortage of naphtha or propane would occur. PEG also stated that the proposed rule is inconsistent with recent ERA SNG decisions, and does not further administrative convenience. Furthermore, it stated that the rule is unnecessary in that use limits on SNG feedstock have been waived and that plants using naphtha for SNG feedstock already have allocations.

In response to the PEG comments, we note that the supply/demand balance for natural gas has changed dramatically since the imposition of special controls on SNG feedstocks, as has the cost of producing SNG relative to other sources of natural gas. These factors demand re-examination of the allocation regulations for SNG plants. In the event an unforeseen shortage of naphtha occurs, mandatory allocation would most likely be re-imposed on *all* naphtha sales. Similarly, providing base period allocations for existing SNG plants does not impair the general allocation scheme for propane.

In addition, since SNG is much more expensive than domestically produced natural gas, it is unlikely that this rule will, in the short time remaining of petroleum allocation controls, encourage any additional SNG production. In the one instance known to ERA that a natural gas distribution company's contracts require its customers to purchase SNG before pipeline natural gas, this company can already obtain its SNG feedstock requirements.

Moreover, PEG's assertion is incorrect that all SNG plants that use naphtha have permanent allocations. The rule is needed to eliminate administrative burdens which are imposed on only one sector of petroleum user and which are not justified by the current energy supply situation.

III. Amendments Adopted

As proposed, we are exempting SNG feedstock use of naphtha from the allocation regulations. Naphtha has been exempted from the allocation regulations for all other uses since September 1976. No persuasive reason has been presented for the retention of such regulation until September 30, 1981.

With respect to propane used as SNG feedstock, rather than the deletion of the restrictive criteria to obtain allocation assignments in § 211.29, the final rule will provide allocations for existing SNG plants without requiring assignments. The base period use for each facility will consist of the firm's highest level of purchases or consumption of an allocated product in any consecutive four calendar quarters prior to April 1, 1980. The suppliers during that period will become the base period suppliers. However, other willing refiner-suppliers, producers or importers could assume the obligation to supply the product. The SNG plant operator will be required only to notify the suppliers of their supply obligations and furnish a copy of the notification to DOE. As we stated in the notice, this rule recognizes that the existing plants represent significant investments to the firms that built them and that adequate volumes of feedstock are available in the short term so that other users of propane will not be impacted by allocations to these plants. We have not been persuaded by the comments that there will be significant adverse effects on any sector that will result from the adoption of this rule.

The criteria set forth in § 211.29 will continue to be applicable to SNG plants to be built in the future. As has been noted, however, no new plants are expected to be built or to require an allocation prior to the expiration of the allocation program.

IV. Procedural Requirements

A. FERC Review.

The Federal Energy Regulatory Commission (FERC) was notified of the proposed rule and given an opportunity, under section 404 of the Department of Energy Organization Act, Pub. L. 95–91 (DOE Act), to the close of the comment period to make a determination whether the proposed rule may significantly affect a matter within its jurisdiction under sections 402 (a)(1), (b) and (c)(1) of the DOE Act. We were notified by the FERC that it had declined to exercise its jurisdiction in this matter.

B. NEPA.

In the July 11, 1980 proposal, we set forth DOE's determination that this rule does not involve major Federal actions that would significantly affect the quality of the environment. That determination remains valid.

C. Executive Order 12044.

Under Executive Order No. 12044, a Final Regulatory Analysis has been prepared and may be obtained by the public from ERA's Office of Public Information at the ERA, Room B–110, 2000 M Street, NW., Washington D.C. 20461. The Executive Summary of the Final Regulatory Analysis is set forth as follows:

This regulatory analysis addresses the potential impacts of a proposed change in the rules concerning allocation of naphtha and propane for use as feedstocks in synthetic natural gas (SNG) plants. The proposals under consideration were:

1. Exempt naphtha when used as SNG feedstock from the allocation regulations, and
2. Either delete § 211.29 and allocate propane pursuant to 10 CFR Part 211, Subpart D or give existing SNG plants using propane as a feedstock a permanent allocation

These proposals were made in response to the changes in the energy situation since 1974 when the regulations were put into effect. Since that time an increase in natural gas availability, decrease in naphtha demand and increase in naphtha cost have combined to make any fears of the wide proliferation of SNG plants questionable. Six plants would be affected by a change in the regulations, since the remainder already have permanent allocations. Currently, these plants are required to file periodic lengthy applications meeting detailed criteria in order to receive feedstock assignment orders.

This burden would be removed if naphtha for SNG feedstock were exempted from the allocation regulations and those plants using propane as a feedstock were given a permanent base period allocation as historical propane users. The burden would be also reduced, but not eliminated, if propane for SNG feedstock were allocated pursuant to 10 CFR Part 211, Subpart D.

Analysis of the impacts of the above proposals indicates that the impacts would be insignificant. SNG is not price competitive with natural gas in most circumstances because of high feedstock costs, and this should hold production of SNG to current levels in the short term. Additionally, there is an adequate supply of naphtha and propane to meet current needs without restrictive allocation procedures.

The DOE has therefore decided to exempt naphtha used as SNG feedstock from the provisions of § 211.29 and give plants using propane a permanent allocation, since this is the simplest means of eliminating unneeded regulatory burdens from SNG plant operators.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Parts 210 and 211 of Chapter II of Title 10 of the Code of Federal Regulations are amended as set forth below effective December 15, 1980.

Issued in Washington, D.C., October 31, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.35 is amended by revising paragraph (d) to read as follows:

§ 210.35 Exempted products.

* * * * *

(d)(1) Naphthas as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Naphthas as defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

* * * * *

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

2. Section 211.1 is amended by revising paragraph (b)(7) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.* * * *

(7) Notwithstanding any provision of this part to the contrary, naphtha and gas oils are excluded from this part.

* * * * *

3. Section 211.29 is amended by revising paragraph (b) to read as follows:

§ 211.29 Synthetic natural gas production.

* * * * *

(b) *Existing plants.* Firms without assigned base period uses that operated SNG plants prior to April 1, 1980 shall have as their base period uses for SNG feedstock use, SNG enrichment use and plant fuel an amount equal to their highest level of purchases or consumption of allocated products for

such uses during any consecutive four calendar quarter period prior to April 1, 1980. The obligated suppliers will be the actual suppliers during the period chosen. However, if other refiner-suppliers, producers or importers are willing to supply the feedstock, they may assume the obligation to supply the allocated product. The SNG plant operator shall notify the firms of the volumes that will be required to be supplied by each supplier and furnish DOE with a copy of such notification.

* * * * *

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federal register

Monday
November 10, 1980

Part IV

Equal Employment Opportunity Commission

Final Amendment to Guidelines on Discrimination Because of Sex

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1604

Discrimination Because of Sex Under Title VII of the Civil Rights Act of 1964, as Amended; Adoption of Final Interpretive Guidelines

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Amendment to Guidelines on Discrimination Because of Sex.

SUMMARY: On April 11, 1980, the Equal Employment Opportunity Commission published the Interim Guidelines on sexual harassment as an amendment to the Guidelines on Discrimination Because of Sex, 29 CFR Part 1604.11, 45 FR 25024. This amendment will re-affirm that sexual harassment is an unlawful employment practice. The EEOC received public comments for 60 days subsequent to the date of publication of the Interim Guidelines. As a result of the comments and the analysis of them, these Final Guidelines were drafted.

EFFECTIVE DATE: November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Karen Danart, Acting Director, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, (202) 634–7060.

SUPPLEMENTARY INFORMATION: During the 60-day public comment period which ended on June 10, 1980, the Commission received over 160 letters regarding the Guidelines on sexual harassment. These comments came from all sectors of the public, including employers, private individuals, women's groups, and local, state, and federal government agencies.

The greatest number of comments, including many from employers, were those commending the Commission for publishing guidelines on the issue of sexual harassment, as well as for the content of the guidelines.

The second highest number of comments specifically referred to § 1604.11(c) which defines employer liability with respect to acts of supervisors and agents. Many commentors, especially employers, expressed the view that the liability of employers under this section is too broad and unsupported by case law. However, the strict liability imposed in § 1604.11(c) is in keeping with the general standard of employer liability with respect to agents and supervisory employees. Similarly, the Commission and the courts have held for years that an employer is liable if a supervisor or an agent violates the Title VII, regardless of knowledge or any other mitigating factor. *Anderson* v. *Methodist Evangelical Hospital, Inc.*, ——— F.Supp. ———, 3 EPD ¶8282 (D.C. Ky. 1971), *aff'd* 464 F.2d 723, 4 EPD ¶7901 (6th Cir. 1972); Commission Decision No. 71–969, CCH EEOC Decisions (1973) ¶6193; Commission Decision No. 71–1442, CCH EEOC Decisions (1973) ¶6216. Furthermore, a recent 9th Circuit case on sexual harassment imposed strict liability on the employer where a supervisor harassed an employee without the knowledge of the employer. *Miller* v. *Bank of America*, 600 F.2d 211, 20 EPD ¶30,086 (9th Cir. 1979). In keeping with this standard, the Commission, after full consideration of the comments and the accompanying concerns, will let § 1604.11(c) stand as it is now worded.

A number of people asked the Commission to clarify the use of the term "agent" in § 1604.11(c). "Agent" is used in the same way here as it is used in § 701(b) of Title VII where "agent" is included in the definition of "employer."

A large number of comments referred to § 1604.11(a) in which the Commission defines sexual harassment. These comments generally suggested that the section is too vague and needs more clarification. More specifically, the comments referred to subsection (3) of § 1604.11(a) as presenting the most troublesome definition of what constitutes sexual harassment. The Commission has considered these comments and has decided that subsection (3) is a necessary part of the definition of sexual harassment. The courts have found sexual harassment both in cases where there is concrete economic detriment to the plaintiff, *Heelan* v. *Johns-Manville Corp.*, 451 F.Supp. 1382, 16 EPD ¶8330 (D. Colo. 1978), *Barnes* v. *Costle*, 561 F.2d 983, 14 EPD ¶7755 (D.C. Cir. 1977), *Garber* v. *Saxon Business Products*, 552 F.2d 1032, 14 EPD ¶7587 (4th Cir. 1977), and where unlawful conduct results in creating an unproductive or an offensive working atmosphere. *Kyriazi* v. *Western Electric Co.*, 461 F.Supp. 894, 18 EPD ¶8700 (D.N.J. 1978). For analogous cases with respect to racial harassment see *Rogers* v. *EEOC*, 454 F.2d 234, 4 EPD ¶7597 (5th Cir. 1971); *EEOC* v. *Murphy Motor Freight Lines, Inc.*, 488 F.Supp. 381, 22 EPD ¶30,888 (D.C. Mn. 1980).

The word "substantially" in § 1604.11(a)(3) has been changed to "unreasonably." Many commentors raised questions as to the meaning of the word "substantially." The word "unreasonably" more accurately states the intent of the Commission and was therefore substituted to clarify that intent.

It should be emphasized that the appropriate course for further clarification and guidance on the meaning of § 604.11(a)(3) is through future Commission decisions which will deal with specific fact situations. Since sexual harassment allegations are reviewed on a case-by-case basis, any further questions will be answered through Commission decisions which will be fact specific.

A fair number of comments were received on § 1604.11(d) which defined employer liability with respect to acts of persons other than supervisors or agents. Again, as in § 1604.11(c), the traditional Title VII concept prevails regarding employer liability with respect to those people other than agents and supervisory employees. Many commentors asked the Commission to clarify the meaning of "others." As a result, § 1604.11(d) has been separated into two subsections. The new § 1604.11(d) refers to sexual harassment among fellow employees and the liability of an employer in such a situation.

The new § 1604.11(e) refers to the possible liability of employers for acts of non-employees towards employees. Such liability will be determined on a case-by-case basis, taking all facts into consideration, including whether the employer knew or should have known of the conduct, the extent of the employer's control and other legal responsibility with respect to such individuals.

A number of people also raised the question of what an "appropriate action" might be under § 1604.11(d). What is considered to be "appropriate" will be seen in the context of specific cases through Commission decisions.

Section 1604.11(e) of the Interim Guidelines, which sets out suggestions for programs to be developed by employers to prevent sexual harassment, now becomes § 1604.11(f). The Commission has received many comments which state that this section is not specific enough. The Commissjon has decided that the provisions of this section should illustrate several kinds of action which might be appropriate, depending on the employer's circumstances. The emphasis is on preventing sexual harassment, and § 1604.11(f) intends only to offer illustrative suggestions with respect to possible components of a prevention program. Since each workplace requires its own individualized program to prevent sexual harassment, the specific steps to be included in the program should be developed by each employer.

Several commentors raised the question of whether a third party who was denied an employment benefit would have a charge cognizable under Title VII where the benefit was received

by a person who was granting sexual favors to their mutual supervisor. Even though the Commission does not consider this to be an issue of sexual harassment in the strict sense, the Commission does recognize it as a related issue which would be governed by general Title VII principles. Subsection (g) has been added to recognize this as a Title VII issue.

After carefully considering the numerous comments it received, the EEOC made the above changes to the Interim Guidelines and, at its meeting of September 23, 1980, adopted them as the Final Guidelines on sexual harassment, subject to formal interagency coordination. Formal interagency coordination has been completed, and none of the affected agencies had additional comments. Therefore, these Guidelines become final as adopted at the Commission meeting of September 23, 1980.

Signed at Washington, D.C., this 3rd day of November 1980.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

Accordingly, 29 CFR Chapter XIV, Part 1604 is amended by adding § 1604.11 to read as follows:

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of Sec. 703 of Title VII.[1] Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

[1] The principles involved here continue to apply to race, color, religion or national origin.

(c) Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

(e) An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

(f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.

(g) Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

(Title VII, Pub. L. 88-352, 78 Stat. 253 (42 U.S.C. 2000e et seq.))

[FR Doc. 80-34981 Filed 11-7-80; 8:45 am]

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federal register

Monday
November 10, 1980

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Grants for Mining and Mineral Resources, Research Institutes and Mineral Research Projects

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 890

Grants for Mining and Mineral Resources, Research Institutes and Mineral Research Projects

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Final rule.

SUMMARY: OSM is amending portions of the policies and procedures in 30 CFR Part 890 for administering Title III of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87 (SMCRA). The amendments clarify the submission date for allotment grant applications and revise the grant period for allotment grants. These changes were requested by a majority of the thirty-one State Mining and Mineral Resources and Research Institutes to enable them to plan their costs more effectively and thereby exercise better control over the equipment and manpower resources necessary for conducting their mining and minerals research programs.

EFFECTIVE DATE: December 10, 1980.

ADDRESS: Office of Surface Mining Reclamation and Enforcement, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ranvir Singh, address above, (202) 343–8032.

SUPPLEMENTARY INFORMATION: Title III of SMCRA provides for an annual allotment to one designated State Mining and Mineral Resources and Research Institute (Mineral Institute) in a State for seven years. This Title also provides for research funds to each Mineral Institute for mineral research grants, scholarships and fellowships, and specifies the criteria and the requirements for institutes to qualify for such funding. Regulations to implement Title III were published in the **Federal Register** on August 28, 1978 (43 FR 38556) and are found in 30 CFR Part 890 of the Departmental regulations. The requirements for submission of allotment grant applications are set forth in § 890.11 of these regulations and applicable grant agreement provisions are contained in § 890.21.

Proposed amendments to §§ 890.11(a) and 890.21(a)(3) were published in the **Federal Register** on August 27, 1980 (45 FR 57149). These amendments respectively clarify, but do not change, the April 1 date for submission of applications for annual allotment grants, and also revise the allotment grant period so that it begins on July 1 instead of October 1.

In January 1980 a number of Mineral Institute Directors sought clarification of the submission date for allotment grant applications after the initial grant year. In § 890.11(a) of regulations such applications were required to be submitted 6 months prior to the end of the Federal fiscal year. The Institutes desired that OSM specify a date instead of the six month time period reference. The Institutes also pointed out certain difficulties they had in properly administering the allotment grants. These problems were attributed to the fact that the grant periods were based on the Federal fiscal year and not on their academic year. This timing difference, the Institutes felt, severely hampered their ability to properly plan and manage their programs.

Believing in the validity of these concerns, OSM contacted all Mineral Institutes regarding the above issues and sought their comments. The Department received twenty-eight comments during these initial discussions. Twenty-three Mineral Institutes agreed with the suggested changes and five Institutes were either opposed to or had some reservations about the change in the grant period. After considering these initial views, OSM published the proposed rule changes on August 27, 1980. Following publication of the proposed amendments, the Department received only one timely comment on the proposed changes.

Disposition of Comments: The Department has carefully considered all the above comments in evaluating the proposed rule change. The comments received by the Department both before and after publication of the proposed rule, and the reasons for accepting or rejecting them are discussed below. All comments received pertained to the proposed change in § 890.21 regarding the timing of the grant period.

One Mineral Institute stated that they did not see any particular benefit to be gained from changing the grant period but agreed to adjust to the change if the majority of Mineral Institutes desired the change. OSM believes that there are definite benefits to be derived from the change in the grant period in terms of better planning and management of the allotment grants and these conclusions are supported by a majority of the Mineral Institutes.

Another Mineral Institute opposed the change in the grant period because they feared problems with coordinating the progress and financial reports required by OSM. OSM believes that changing the grant period would not create any problems relating to the progress and financial status reports because the reports would still continue to be submitted on a quarterly basis as has been the practice in the past.

Another Mineral Institute also objected to the change in grant period, both before and after the publication of proposed rule, because it would cause problems for the Institute due to the State's centralized purchasing, invoicing and accounting practices, and also because of the long lead time required for a timely grant close out procedure. The Institute, however, acknowledged that the change would perhaps facilitate the forecasting of salaries. OSM appreciates the apparent difficulties caused by the internal procedures utilized in this State but believes that in formulating program policies OSM has to consider the best interests of the majority of the Mineral Institutes.

One other Mineral Institute also expressed concern regarding the change in grant period because the change required OSM to reduce the grant amounts for the interim period of September 30, 1980 to June 30, 1981. The Mineral Institute speculated that OSM might continue to fund the allotment grants at this reduced level. OSM understands the Mineral Institute's concern and assures them that the change in amount is being made only because of the alignment of the grant period with the academic year. This alignment necessitates the reduction in the allotment grant amounts for the interim period which is shorter than 12 months.

This one time reduction in allotment grant amounts does not represent any decision to reduce or change future allotment grant amounts.

Another comment by a Mineral Institute stated that they did not oppose the change but preferred the current grant period which coincides with the Federal fiscal year. OSM is fully aware of these concerns and the initial difficulties that some Institutes might experience due to a change in the grant period. OSM, however, believes that this change in grant period would serve the best interests of the majority of the Mineral Institutes.

Information Collection Provisions: These amendments do not impose any additional information collection and reporting requirements on Mineral Institutes. The Mineral Institutes are expected to collect, retain and submit information to OSM as required by the original regulations published in the **Federal Register** on August 28, 1978 (43 FR 38556).

Statement of Significance and Environmental Impact. The Department of the Interior has determined that these amendments of rules are not significant and do not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The Department of the Interior has also determined that amendment of the rules within the scope of the document will not significantly affect the quality of the human environment. Accordingly, this action is not subject to the environmental impact statement requirements of the National Environmental Policy Act.

Drafting Information. These amendments were drafted by Ranvir Singh, Office of Surface Mining, and Christopher W. Warner, Office of the Solicitor.

Now, therefore, the amendments as set forth are adopted under the authority of Section 201(c) of Pub. L. 95–87, 30 U.S.C. 1211, *et seq.*

Dated: October 31, 1980.

Walter N. Heine,

Director, Office of Surface Mining

30 CFR Part 890 is amended as follows:

1. Paragraph (a) of § 890.11 is revised.

§ 890.11 Applications for allotments after the first year.

(a) After the first fiscal year, in order to obtain subsequent allotments an institute shall submit to the Assistant Director a request for an annual allotment (in six copies) containing information and materials on Standard Form 424 to supplement any previously submitted application as may be needed to make it currently applicable and to reaffirm eligibility. Such requests shall be submitted on or before April 1 to be considered for grants commencing on or after July 1 of the same calendar year.

* * * * *

2. Paragraph (a)(3) of § 890.21 is revised.

§890.21 Grants amendments.

(a) * * *

(3) Commencement and completion dates for the segment of the program covered by the grant and for major phases of the program to be completed during the grant period. Allotment grants shall commence on July 1 and shall terminate on June 30 of the following year.

* * * * *

[FR Doc. 35056 Filed 11–7–80; 8:45 am]

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federal register

Monday
November 10, 1980

Part VI

Department of Commerce

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Preliminary Finding of Need To Accredit Laboratories That Provide Acoustical Testing Services

DEPARTMENT OF COMMERCE

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Preliminary Finding of Need to Accredit Laboratories That Provide Acoustical Testing Services

AGENCY: Assistant Secretary of Commerce for Productivity, Technology, and Innovation.

ACTION: Request for comments on a preliminary finding of need to accredit laboratories that provide acoustical testing services.

SUMMARY: Under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Parts 7a, 7b, and 7c), this notice announces the Department of Commerce's preliminary finding of need to accredit testing laboratories that provide acoustical testing services. The initial set of standards and test methods proposed by the requestor, Owens-Corning Fiberglas Corporation, for inclusion in this laboratory accreditation program (LAP) is set forth in the appendices. This notice sets out the basis for the preliminary finding of need, including how accreditation of laboratories that provide acoustical testing services would benefit the public interest. Comments are invited.

DATES: Written comments are due on or before January 9, 1981. A request for an informal hearing may be made before November 25, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards Policy, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230 (202) 377–3221.

SUPPLEMENTARY INFORMATION:

Background

The procedures for the operation of the National Voluntary Laboratory Accreditation Program (NVLAP) were announced in the **Federal Register** on February 26, 1976 (41 FR 8163–8168, 15 CFR Part 7 which has since been redesignated 15 CFR Part 7a). That notice, amended by publication in the **Federal Register** on March 9, 1979 (44 FR 12982–12990 designated 15 CFR Part 7b), on April 25, 1979 (44 FR 24274–24282 designated 15 CFR Part 7c), and on April 21, 1980 (45 FR 26993–26994), described the program as providing a national voluntary system to examine, upon request, the professional and technical competence of private and public testing laboratories that serve regulatory and non-regulatory product evaluation and certification needs. The program will accredit those laboratories that meet the qualifications established under the latest procedures.

Section 7a.4(b) of the NVLAP procedures sets out the requirements to be met by those persons who seek to have the Department of Commerce (DoC) find that there is a need to accredit testing laboratories which provide services relating to a specific product. By letter of August 25, 1980, Foster C. Wilson of Owens-Corning Fiberglas Corporation, Granville, Ohio, requested DoC to find that there is a need to accredit testing laboratories which "render services in the field of acoustical testing of sound control products and the measurement of sound power levels." In a letter of September 5, 1980 to Mr. Wilson, Howard I. Forman, Deputy Assistant Secretary for Product Standards Policy, acknowledged the formal request and suggested that the product be identified as "acoustical testing services" in order to clarify the scope of the request. In addition, Dr. Forman asked for confirmation of the list of test methods which the requestor recommended should be included initially in the laboratory accreditation program (LAP) if it is established. In a letter of September 24, 1980 to Dr. Forman, Mr. Wilson agreed with the suggestion and provided some further information to support his August 25 request letter. For the purposes of analysis, the August 25 and September 24 letters represent the formal request submitted to comply with section 7a.4(b) of the NVLAP procedures.

This request has been analyzed and evaluated, resulting in a preliminary finding of need to establish a LAP for acoustical testing services as set forth at the conclusion of this notice.

Request for Comments

Interested persons desiring to comment on the preliminary finding of need are invited to submit their comments on or before January 9, 1981, to the Assistant Secretary for Productivity, Technology and Innovation, U.S. Department of Commerce, Room 3864, Washington, D.C. 20230.

Any person desiring to express his or her views in an informal public hearing relative to this preliminary finding of need must do so by communicating that desire in writing on or before November 25, 1980, to the Assistant Secretary for Productivity, Technology, and Innovation. Upon receipt of such a request, an informal public hearing(s) will be held to give all interested persons an opportunity orally to present data, views, or arguments in addition to the opportunity to make written submissions. If deemed appropriate, hearings may be held at two locations, one of which will be east of and the other west of the Mississippi River. Notice of any hearings will be published in the **Federal Register** at least 20 days in advance thereof. A transcript will be made of any oral presentations.

Comments are invited particularly to determine whether there is a need to establish a LAP for "acoustical testing services." The specific standards and 13 of the 15 test methods identified by the requestor would be initially included in the LAP. As a result of comments in response to this preliminary finding of need, additional standards and test methods directly related to acoustical testing services could be included.

Procedure Following Receipt of Comments

Upon receipt of all written and oral comments and any testimony, a thorough evaluation of the comments and testimony will be undertaken. Upon completion of that evaluation, a notice will be published in the **Federal Register** announcing a final finding of need to accredit testing laboratories which provide "acoustical testing services," or announcing withdrawal of the preliminary finding of need. That notice will set out the basis for a final finding of need or for the withdrawal of the preliminary finding of need.

Documents in Public Record

The documents mentioned or otherwise referenced in this notice are part of the public record and are available for inspection and copying in DoC's Central Reference and Records Inspection Facility (CRRIF), Room 5317, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

All written and oral comments and testimony in response to this notice will be made part of the public record and will be available for inspection and copying at CRRIF.

November 5, 1980.

Francis W. Wolek,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Preliminary Finding of Need

The request of Owens-Corning Fiberglas Corporation that DoC find that there is a need to accredit testing laboratories that provide acoustical testing services has been carefully considered. The analysis of that request is contained in the report entitled "NVLAP Summary and Analysis Report of Request for a Laboratory

Accreditation Program for Acoustical Testing Services." Each heading which follows is keyed to the specific sections of the NVLAP procedures relative to making a preliminary finding of need.

Identification of the Product (Section 7a.4(b)(1))

The requestor identified the product (as defined in section 7a.3 of the NVLAP procedures) as "acoustical testing services."

Text of Applicable Standards and Test Methods (Section 7a.4(b) (2) and (3))

The requestor identified 8 applicable standards (see Appendix 1)*. In addition, the requestor cited NBS Special Publication 386, 1973 edition entitled "Standards on Noise Measurement, Rating Schemes, and Definitions: A Compilation" as a comprehensive list of acoustical test methods, but suggested that only 13 of those test methods listed in Appendix 2 initially be included in this proposed LAP.

Section 7a.4(i) of the NVLAP procedures (45 FR 26693–94 dated April 2, 1980) allows standards and test methods to be added to a LAP once a LAP is established if the additional standards and test methods fall within the boundaries established by the definition of the product for the LAP. At some future date, or even as a result of comment in response to this preliminary finding of need, additional standards and test methods directly related to acoustical testing services could be included. The specific standards and 13 of the 15 test methods identified by the requestor would be included in the LAP.

Basis of Need (Section 7a.4(b)(4))

The requestor included in his request information pertinent to the five items set out in section 7a.5 of the NVLAP procedures. This information is incorporated into the discussion under the section of this notice (see below) entitled *"Basis for Preliminary Finding of Need for Accrediting Laboratories That Proved Acoustical Testing Services (Section 7a.5)."*

Number of Laboratories and Users (Sections 7a.4(b)(4) (i) and (ii))

The requestor cited the ASTM publication STP 33D entitled "Directory of Testing Laboratories", and the "Directory of the American Council of Independent Laboratories" as listing many laboratories that conduct acoustical tests. According to the requestor, a total of 20 to 25 laboratories would be interested in becoming accredited.

The requestor suggested that it is almost impossible to estimate accurately the number of users that will desire services of accredited acoustical testing laboratories, but estimated that it is "in the thousands." The number could include every manufacturer of sound control products and products that generate noise, every building code jurisdiction with sound control requirements in their codes, all users and purchasers of sound control products and noise producing equipment, and many Federal agencies responsible for noise control.

Basis for Preliminary Finding of Need for Accrediting Laboratories That Provide Acoustical Testing Services (Section 7a.5)

The basis for this preliminary finding of need, keyed to the information items listed in section 7a.5 of the NVLAP procedures, is as follows:

(1) *Whether the establishment of general or specific criteria and other conditions for accrediting testing laboratories that provide acoustical services would benefit the public interest (section 7a.5(a)).*

Criteria and other conditions for accrediting laboriatories would benefit the public interest due to the major role of sound control products in noise control and the need to rate the noise level generated by various types of equipment. Documents cited by the requestor attesting to the importance of sound control products, the necessity to know and control noise levels of noise sources, the involvement of all levels of government in noise problems, and the impact to the consumer include:

(a) The Noise Control Act of 1972 which authorizes the Administrator of the Environmental Protection Agency (EPA) to establish noise labeling procedures for any product which emits noise capable of adversely affecting the public health or welfare, or which is sold wholly or in part on the basis of its effectiveness in reducing noise;

(b) The Occupational Safety and Health Act of 1970 which provides for the setting of maximum noise exposure levels for workers; and

(c) The Quiet Communities Act of 1978 which directs the EPA to undertake a comprehensive program of research, technical assistance, and discretionary grants to support State and local government efforts in writing noise laws.

This proposed LAP could support labeling programs planned by several industries in response to EPA requirements. Without the presence of accredited laboratories uniformly to evaluate sound control and noise producing products, there exists a greater opportunity for disemination of inaccurate information about these products to the consumer or user.

(2) *Whether there is a national need to accredit testing laboratories for acoustical testing services beyond that served by any existing laboratory accreditation programs, in the public and private sector (section 7a.5(b)).*

There are no known acoustical testing laboratory accrediation programs currently in existence in the United States. The information set forth under (1) attests to a national need for such a LAP.

(3) *Whether for acoustical testing services, there is in existence a standard important to commerce, consumer well-being, or public health and safety (Section 7a.5(c)).*

Several standards and test methods, identified by the requestor, are used to determine noise levels of equipment and to evaluate the various acoustical properties of sound control products. The requestor suggested that a LAP would facilitate the flow of valid information about these products in commerce and benefit the consumer interest without undue intervention of government in the marketplace. The standards contemplated for use as part of EPA's labeling requirements for sound control and noise producing products are deemed important to consumer well-being and the public health and safety.

(4) *Whether there is in existence a valid testing methodology (Section 7a.5(d)).*

The requestor suggested that 15 test methods (see Appendix 2) initially be included in this proposed LAP. Those test methods are contained in standards of the American Society of Testing and Materials, the Acoustical Materials Association, the Public Buildings Service of the General Services Administration, the American National Standards Institute, or the American Society of Heating, Refrigerating, and Air Conditioning Engineers. Technical experts of the National Bureau of Standards have concluded that 13 of the 15 test methods represent valid testing methodologies (see annotations to appendix 2).

(5) *Whether it is feasible and practical to accredit testing laboratories that provide Acoustical Testing Services (Section 7a.5(e)).*

DoC is not aware of any characteristic of the acoustical test methods listed in Appendix 2 that would make an acoustical testing services LAP less

*Three of the 11 standards originally identified by the requestor, but subsequently dropped, are not listed because they are not in use or have been superseded.

feasible or practical than the other LAPs now in the program. Therefore, it is deemed feasible and practical to accredit testing laboratories that provide acoustical testing services.

Preliminary Finding of Need

The request to find that there is a need to accredit testing laboratories that provide acoustical testing services has been carefully examined and anaylzed. Based on that examination and analysis, which are outlined above, it is preliminarily found that a need exists to accredit testing laboratories that provide acoustical testing services. It is proposed that if a final finding of need is determined, this LAP initially would include the standards and test methods listed in Appendices 1 and 2 as annotated. Other standards and test methods would be added in the future, as requested, if they meet the requirements of the NVLAP procedures.

Appendix I.—List of Applicable Standards

Designation	Title
MIL-A-23054 (Military Standard).	Acoustical Absorptive Board, Fibrous Glass, Perforated Fibrous Glass Cloth Faced.
MIL-I-742	Insulation Board, Thermal, Fibrous Glass.
MIL-I-7171	Insulation Blanket, Thermal-Acoustical.
MIL-I-22023	Insulation Felt, Thermal and Sound Absorbing Felt, Fibrous Glass, Flexible.
HH-I-515 (Federal Specification).	Insulation Blanket, Thermal-Acoustical and Insulation, Thermal: Vegetable or Wood Fiber.
HH-I-526	Insulation Board, Thermal-Acoustical Mineral Wood (for roofs).
HH-I-545	Insulation, Thermal and Acoustical (Mineral Fiber, Duct Lining Material).
SS-S-118	Sound Controlling Blocks and Boards (Acoustical Tiles and Panels Prefabricated).

Appendix II.—List of Applicable Test Methods

Designation	Title
ASTM C423	Sound Absorption and Sound Absorption Coefficients by the Reverberation Room Method.
ASTM E90	Laboratory Measurements of Airborne Sound Transmission Loss of Building Partitions.
ASTM C384	Impedance and Absorption of Acoustical Materials by the Impedance Tube Method.
ASTM C522	Airflow Resistance of Acoustical Materials.
ASTM E477	Duct Liner Materials and Prefabricated Silencers for Acoustical and Airflow Performance.
ASTM E492	Laboratory Measurement of Impact Sound Transmission Through Floor/Ceiling Assemblies Using the Tapping Machine.
ASTM E596	Laboratory Measurement of the Noise Reduction of Sound-Isolating Enclosures.
AMA I-II*	Ceiling Sound Transmission Test by Two-Room Method.
PBS C.1**	Method for the Direct Measurement of Speech-Privacy-Potential (SPP) Based on Subjective Judgments.
PBS C.2**	Method for the Sufficient Verification of Speech-Privacy Potential (SSP) Based on Objective Measurements including Methods for the Rating of Functional Interzone Attenuation and NC-Background.
ANSI S1.29	Method for the Measurement and Rating of Noise Emitted by Computer and Business Equipment.
ANSI S5.1	Test Code for the Measurement of Sound from Pneumatic Equipment.
ANSI S1.35	Determination of Sound Power Levels of Noise Sources in Anechoic and Hemi-Anechoic Rooms.
ANSI S1.21	Methods for the Determination of Sound Power Levels of Small Sources in Reverberation Rooms.
ASHRAE 36	Methods of Testing for Sound Rating Heating, Refrigerating and Air-Conditioning Equipment.

*This test method is technically suitable for inclusion in the LAP, but there may be difficulty in getting copies of the document because AMA no longer exists and no other organization has assumed responsibility for the document.

**These two PBS test methods are deemed inappropriate for initial inclusion in the LAP. These methods are currently under consideration for adoption as ASTM standards. These methods will be reconsidered for inclusion in this LAP at such time that they become ASTM standards.

Note.—ASTM—American Society for Testing and Materials; AMA—Acoustical Materials Association (no longer in existence); PBS—Public Buildings Service, General Services Administration; ANSI—American National Standards Institute; ASHRAE—American Society of Heating, Refrigerating, and Air-Conditioning Engineers.

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Monday
November 10, 1980

Part VII

Department of the Interior

Bureau of Indian Affairs

Indian Fishing—Hoopa Valley Indian Reservation—Conservation Regulations

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 258

Indian Fishing—Hoopa Valley Indian Reservation; Conservation Regulations

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is amending its conservation regulations governing Indian fishing on the Hoopa Valley Indian Reservation for the salmon, steelhead and sturgeon fisheries to provide for better data collection, and to alleviate some enforcement problems.

EFFECTIVE DATE: These amendments become effective on or before December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Joe Weller, Superintendent, Hoopa Agency, Bureau of Indian Affairs, P.O. Box 367, Hoopa, California 95546, telephone: (916) 625–4285.

SUPPLEMENTARY INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. 1457, 25 U.S.C. 2 and 9, and Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of federally reserved Indian fishing rights.

Normally tribal governments would be responsible for regulation of Indian fishing on a reservation. Tribal regulation on the Hoopa Valley Indian Reservation has not been possible because the reservation is shared by two tribes, one of which does not currently have a functioning government. The Bureau of Indian Affairs has made major efforts to assist the Yurok Tribe in developing an organized government that will be able to participate with the Hoopa Valley Tribe in regulation of the Indian fishery. To date, however, these efforts have not met with success. While efforts to resolve the organizational problems continue, the Department will continue to regulate the fishery to assure the continued existence of this valuable tribal asset.

Some twenty documents were received commenting on the proposed amendments to the regulations from both the Indian and non-Indian community (45 FR 43431, June 27, 1980). While some persons made brief comments addressed to a single item others submitted completely rewritten versions of the entire document. From the Indian community came expression of total support of the amendments as well as criticism that the regulations were unneeded and unlawful, and constituted harassment and subjugation of sovereign tribal rights. Many comments were general and not related to the proposed amendments. There were suggestions for additional amendments to the regulations which were outside the scope of the amendments that were proposed and consequently could not be considered at this time as there has been no opportunity for public comment on those suggestions.

From the non-Indian Community came comments that the introductory remarks to the proposed amendments to the regulations contained significant factual omissions or misstatements of fact that will, whether intended to or not, mislead the reviewer of the proposed regulations. While acknowledging other influences on the declining fishery, many comments from the non-Indian community asserted that the exercise of special rights by the Indians is the major contributor to depletion of the resource.

Until such time as all groups recognize and accept their share of the responsibility for conservation of the resource feelings of animosity will exist. The amendments to the regulations are made in an effort to provide clarification and better enforcement of the regulations while assuring the Indians of their rights and providing for proper spawning escapement.

Most comments from the Indian community criticized the amendments as seemingly prohibiting fishing by Indian children. The proposed amendments would have amended § 258.3 to read, "Children under the age of twelve (12) years are not subject to this Part and are not eligible to receive Fisher Identification Cards." This provision was not intended to prohibit Indian children under the age of 12 from fishing. The purpose was to avoid subjecting such children to the criminal justice system without permitting adults fishing with such children to avoid liability by attributing any illegal activity to such children.

Based on the comments received, it was concluded that some children as young as ten years old may be physically able to fish unaccompanied. When such children fish unaccompanied, only they may be held liable for their actions. It is undesirable, however, to subject such young children to the usual criminal penalties.

Accordingly, § 258.3 has been revised to (1) permit Indians as young as ten years of age to obtain a fishers identification card, (2) to permit children under ten years of age to accompany adults who are fishing even though such children are not eligible for their own fishers identification cards, (3) to provide that adults fishing in the company of such children are liable for violations of the regulations committed by such children, (4) to provide that children between the ages of 10 and 16, although subject to the regulations, may not be fined or imprisoned for violations of these regulations, and (5) to provide that persons 17 or 18 years old found guilty of violations of these regulations are liable to all penalties except incarceration.

Some comments concerning the proposed revisions to § 258.7 complained that gill nets created a hazard because their location is not sufficiently well marked. Although compliance with this provision will have the effect of requiring that the location of the net be marked in a manner that will make it visible to persons in boats, these requirements may not assure adequate marking for navigation purposes. This provision is not intended to address that problem, but is simply designed to assure that the identity of the person using the net can be readily ascertained. If additional requirements are needed to assure adequate visibility for navigation purposes, an additional amendment addressing that problem may be promulgated later.

There were comments relative to the proposed amendment of § 258.8(e)(9) which prohibited the placement of set nets within 300 feet of another set net. Many comments expressed concern over the controversy that could arise over who got there first and who was in violation of the regulations.

The purpose of this suggested change was to prevent placement of nets in a manner that would block a major portion of the river at a given point or that would tend to channel fish into a narrow portion of the river where they could be more easily caught. There are many situations, however, where nets can be placed closely together in a manner that will not block most of the river or channel the fish to a narrow passageway. The provision as previously drafted would have required Indians to forgo many good fishing sites. It was concluded that the desired goal could be obtained simply by prohibiting the placement of nets in a manner that covered more than one-third of the distance across the wetted area of any channel.

Numerous comments were received relative to fishing below the U.S. Highway 101 Bridge. Some comments received requested a total ban on the use of gill nets or a prohibition against their use between 6:00 a.m. and 8:00 p.m. Although limitation of gill net fishing

below the bridge to ten hours each night might reduce conflict between hook-and-line and net fishers, it could seriously impair the ability of Indians to catch the fish they need for subsistence purposes unless there is some compensating relaxation of other regulations. There has been some discussion in the local fishing community of permitting drift netting at night to compensate for a daytime closure to set net fishing, but no consensus has been reached. This suggestion had not been included in the proposed rules. Such a substantial change should be published for comment before it is adopted unless it is absolutely essential for conservation purposes. For these reasons no changes are being made at this time in the current regulations banning drift nets and permitting daytime use of set nets below the Highway 101 Bridge. There was one comment that *all* fishing on the river should cease for two days a week in order to provide for the opportunity for spawning escapements. This suggestion will be taken into consideration at such time that further restrictions are found necessary for preservation of the resource.

There were comments that there should be limits placed on mesh size of gill nets used as small mesh size will net immature salmon and small steelhead. There is no evidence that small mesh sizes are being used and restrictions at this time are not considered necessary.

The proposed amendment of § 258.8(e)(10) provided that "No set net may be placed within 400 feet of the test seining operation of the U.S. Fish and Wildlife Service." This amendment to the regulations was promulgated on July 31, 1980 as an emergency regulation. It is now evident that there are other test seining operations which are necessary for collection of data in order to conserve the resource properly. These other operations may be operated by the U.S. Fish and Wildlife Service or the California Department of Fish and Game. With these amendments to the regulations, § 258.8(e)(10) will now read "No set net may be placed within 400 feet of any test seining operation of the U.S. Fish and Wildlife Service or the California Department of Fish and Game."

Numerous comments addressed the issue of permitting eligible Indians to engage in snag fishing. The preponderant expression was that snagging should not be allowed. No comments were received explicitly favoring snagging. Accordingly, proposed amendments to the regulations permitting snagging will not be promulgated at this time.

A number of comments were received on the proposal to authorize the placement of weirs in the stream channel by groups of eligible Indian fishermen in lieu of using gillnets. Both favorable and unfavorable comments were received. Favorable comments stated that the weirs could be more easily monitored than gillnets and losses due to "drop out" would be less while others indicated the use of weirs would provide a greater sharing of the resource for commercial and subsistence fisheries. Adverse comments asserted that without proper control and management, the use of weirs in conjunction with gillnets could annihilate the resource. There was concern expressed that the Department does not have the capability to monitor the use of weirs properly at the present time. In commenting on the use of weirs as a traditional method of taking fish, it was pointed out that the use was restricted as to time and place. Since a preponderance of the comments opposed the use of weirs, the regulations will not be amended to provide for their use at this time.

There were many comments on marking of fish. The change proposed provided for the marking of fish before they were taken from the place they were caught instead of prior to leaving the reservation. This change makes it easier to monitor compliance with the marking requirement. Many members of the Indian community have expressed displeasure with the marking requirement because they believe they are being singled out for harrassment and discrimination. The marking of the fish identifies the origin of the fish and the right of possession by eligible Indian fishermen. The marking of fish also serves to curb the illegal sale of fish. Although non-Indian fishermen are not subject to these regulations, they must comply with many State regulations, that do not apply to Indian fishers.

There have been numerous objections to removal of the upper portion of the tail for religious and other reasons. It has also been suggested that a portion of the tail is more difficult to remove than other distinguishing features. Consideration was given to requiring the removal of the dorsal fin rather than the top portion of the tail. This proposed change was not among the proposed amendments previously published, consequently, there has not been an adequate opportunity for public comment on this proposal. For this reason, no change will be made at this time in the requirement that the tail be clipped or marked. Comments from the Indian community requested that transportation permits be issued by the Bureau of Indian Affairs for fish leaving the reservation and that all fish be so marked. Proper compliance with the marking requirements should make transportation permits unnecessary.

Several comments were received objecting to discontinuance of the requirement that consultation meetings be held by the Superintendent on a bi-weekly basis. After consideration it was decided that the proposed change would offer more flexibility in consultation. Flexibility is needed to discuss different aspects of the fishery at various reservation locations. With this flexibility, the Indian community can also request the Superintendent to discuss items that are unique to a given location. The Superintendent in determining the need for meetings will give as much time for notice as is possible while weighing the urgency of the matter.

During the comment period, it was recommended that notices of in-season adjustments should also be posted in the Humboldt County Courthouse and U. S. Post Office in Eureka. Section 258.11 is further amended to satisfy this need.

There were many varied comments on "Fish Catch Reporting", 25 CFR 258.12. The comments ranged from deriding data collection as a "waste of time and money" to suggesting that the reporting periods be weekly instead of monthly. The Hoopa Valley Business Council in recognition of the need for data gathering indicated support by way of encouraging tribal members to comply with fish catch reporting requirements. The Tribe was also quick to point out that it was an elaborate and time consuming system which is being imposed on the Indian fishermen. They wish the fact emphasized that the sport and non-Indian commercial fishers are also required to report all fish caught. Some comments suggested more data collection points and checking of catches in the boats.

It may be possible to develop an information-collecting system that imposes a lesser burden on Indian fishers but still provides the data needed for proper management of the fish stocks. The Department is interested in discussing possible modifications at some of the consultation meetings with Indian fishers. Because of the urgent need for improved data, however, the proposed reporting requirement is being adopted now. Modifications in that reporting requirement may be proposed later after further consultations on this issue with Indian fishers and fishery biologists.

It was suggested that the data collected be made available to those who request the information. While the summary information will be available, it will not be possible to release data furnished by individual fishers nor will it be kept.

Changes in § 258.14, Enforcement, provide for the holding of fishing gear used in violation of the regulations pending disposal by court order and the prompt sale of fish which may have been seized. It is desirable to dispose of the fish as rapidly as possible rather than freezing the fish because the fish may deteriorate during the time it takes to hear a case even though the fish are frozen.

There were many comments related to the severity of penalties imposed by the regulations. Most of the comments were repetitive of those received during the promulgation of earlier regulations. The comments generally expressed the feeling that violations should be decriminalized or made less severe. There was an expression that proposed § 258.15(i) was an unconstitutional ex post facto law. Such a provision has been upheld by the Supreme Court as constitutional even when one of the earlier offenses was committed before the law providing for a more severe penalty for repeat offenders was passed. The more severe penalty is not a new or additional punishment for the earlier offense. It is a stiffened penalty for the latest offense, which is considered to be more serious because of its repetitive nature. *Gryger v. Burke*, 334 U.S. 728, 732 (1948).

Some comments objected to the existing provision making it a separate offense to violate a lawful order of the court. All courts have the power to cite for contempt persons who disobey their orders. Such authority is essential to assure compliance with court orders.

Objections were received to the imposition of a criminal penalty for failure to report fish caught below the U.S. Highway 101 Bridge. Prosecution would be difficult because of the need to prove that unreported fish were caught below the bridge. It would also be necessary for Fish and Wildlife Service biologists to testify against persons accused of violation of such a provision in order to establish that no report had been made. Because the biologists depend to a large extent on the voluntary cooperation of the fishers, their direct involvement in prosecutions could be counter-productive. Since the collection of accurate run size data is so clearly in the interests of the Indian fishers, voluntary cooperation is more likely to achieve the desired goal than the threat of criminal penalties. For these reasons the criminal penalty for failure to report fish catch has been deleted. The requirement that each fisher file written reports of fish that are caught in order to qualify for a subsequent year's fisher identification card, however, is being retained.

Section 258.16 is amended to clarify that all persons, rather than only eligible Indians, are subject to prosecution for interference with a law enforcement officer who is acting in the line of duty.

Finally, § 258.17 is amended to clarify that the jurisdiction of the Court of Indian Offenses extends to the determination that fish as well as nets and other fishing gear are forfeited.

The primary authors of this document are Bush Loucks, Bureau of Indian Affairs, Sacramento Area Office, and David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

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

25 CFR Part 258 is amended as follows:

1. By revising § 258.2 to read as follows:

§ 258.2 Saving clause of regulations.

All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in these regulations and covered by the repeal contained therein, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

2. By revising paragraph (c) § 258.3 and adding new paragraphs (d) and (e) to that section to read as follows:

§ 258.3 Application.

* * * * *

(c) Children under the age of 10 years are not liable for violation of the provisions of this part. Such children are not eligible to receive fisher identification cards, but may accompany adult eligible fishers. Adults in the company of such children shall be held liable for actions of such children that are in violation of the provisions of this part.

(d) Children between the ages of 10 and 16 are entitled to fisher identification cards and are subject to the provisions of this part, but such children are not subject to a fine or incarceration for violation of the provisions of this part.

(e) Eligible Indian fishers who are 17 or 18 years old are subject to all penalties prescribed in this Part except incarceration.

3. By revising paragraphs (g) and (h) of § 258.4 and by adding a new paragraph (s) to that section to read as follows:

§ 258.4 Definitions.

* * * * *

(g) *Fish, fishing means:* The fishing for, catching, or taking or the attempted fishing for, catching, or taking of any salmon, steelhead, or sturgeon within the exterior boundaries of the reservation. Placement of a net in the water constitutes fishing regardless of whether or not the person who placed the net in the water intended to catch fish.

(h) *"Fishers Identification Card" means:* the identification card issued by the Hoopa Valley Tribe to its members or the card issued by the Bureau of Indian Affairs identifying the holder as a person eligible to fish as an Indian of the Reservation. The identification card shall include the name, basis for eligibility to fish, address, birthdate, color of hair, color of eyes, height, weight, identification number, and photograph of the holder and the disclaimer provided in § 258.5.

* * * * *

(s) Logsheets means: that record maintained by eligible fishers of fish caught for reporting catch data for use by biologists in developing fish run and spawning escapement information.

4. By revising paragraph (c) of § 258.6 and by adding a new paragraph (d) to that section to read as follows:

§ 258.6 Fishers identification cards required.

* * * * *

(c) *Fisher identification card.* A fisher identification card shall be issued to tribal members by the Hoopa Valley Tribe or by the Bureau of Indian Affairs, Hoopa Agency, to applicants who fulfill eligibility requirements in § 258.5(a). Such cards may be obtained by contacting the Agency Superintendent, P.O. Box 367, Hoopa, California 95546, telephone: (916) 625–4285, or the Hoopa Valley Tribal Office. The card shall be signed by the card holder. The card shall be countersigned by the authorized official of the Bureau of Indian Affairs or the Hoopa Valley Tribe certifying that the card holder is recognized as eligible to exercise Indian fishing rights on the reservation.

(d)(1) Each eligible Indian who holds a 1981 fisher identification card must file monthly logsheets during 1981 reporting catch data. A report must be filed each month whether or not the person reporting caught any fish during that month. The logsheet shall be filed with the Hoopa Valley Agency Superintendent by the 15th day of the month following the month covered by the logsheet. Logsheet forms will be provided to Indian fishers by the Bureau of Indian Affairs.

(2) In order to qualify for a subsequent year's fisher identification card any person holding a fisher identification card must report monthly catch data for the period covered by the old card.

5. By revising paragraph (a) of § 258.7 and by adding a new paragraph (c) to that section to read as follows:

§ 258.7 Identification of gear.

(a) At the time an eligible fisher applies for a fisher identification card he or she shall be assigned an identification number and shall be required to attach the identification number to any net he or she is using for fishing on the reservation. Each net must have floats or corks attached which float and are visible at all times the net is in the water.

* * * * *

(c) No eligible fisher may permit his or her identification number to be used on a net that is being attended or fished by someone else. No eligible fisher may attend or fish a net that is not marked with his or her own identification number.

6. By revising paragraph (e) (4) and (5) and paragraph (h) of § 258.8 and by adding new paragraph (e)(9) to that section to read as follows:

§ 258.8 Permissible and prohibited fishing.

* * * * *

(e) *Restrictions on fishing.* * * *

(4) Both ends of a set net shall be anchored or staked at all times it is in use. The anchoring of nets to any boat dock or placement of nets in such a manner as to impede boat traffic from docking at or departing from any boat dock is prohibited.

(5) No set net or combination of set nets, staggered or joined, may be placed in the Klamath River or Trinity River in such a way that it covers more than one-third (⅓) of the distance across the wetted area of any channel.

* * * * *

(9) No set may be placed within 400 feet of the test seining operation of the U.S. Fish and Wildlife Service or the California Department of Fish and Game.

* * * * *

(h) *Special Fishing for Rest Home, Elderly and Incapacitated Persons of the Hoopa Valley Indian Reservation.* Four gillnets which are used in conformity with these regulations may be used for fishing for the Hoopa Square rest home and other elderly, incapacitated or otherwise eligible persons incapable of fishing for themselves on the Hoopa Valley Indian Reservation. Such gillnets shall be clearly marked with numbers assigned by the Bureau of Indian Affairs Agency Office at Hoopa upon registration of the nets. Eligible Indian community fishers shall attend these nets.

7. By revising § 258.9 to read as follows:

§ 258.9 Catch marking.

All fish transported away from the place where they were caught shall be clearly marked on the tail by an "X" in indelible dye or by clipping or cutting off the top half of the tail fin. The bottom half of the tail fin may not be removed until the fish have arrived at the location where they are to be consumed or preserved for consumption.

8. By revising § 258.10 to read as follows:

§ 258.10 Consultation.

The Bureau of Indian Affairs Agency Superintendent or his designated representative shall hold meetings as needed on the reservation to consult with Indians of the reservation on the status of the fishery, ocean harvests, the sport fishery, Indian harvests, in-season adjustments to the regulations, and other relevant matters. At the end of each presentation, comments will be received from those in attendance. A written summary of those comments shall be maintained as a record by the Bureau of Indian Affairs, Hoopa Agency.

9. By adding new paragraphs (c)(3) (xix), (xx), (xxi), and (xxii) to § 258.11 to read as follows:

§ 258.11 In-season and emergency regulations.

* * * * *

(c) * * *

(3) * * *

(xix) Crescent City Post Office.

(xx) Crescent City Court House.

(xxi) Eureka Post Office.

(xxii) Eureka Courthouse.

* * * * *

10. By revising paragraph (a) of § 258.12 to read as follows:

§ 258.12 Fish catch Reporting.

(a)(1) Any eligible fisher who catches fish on the Klamath River below Highway 101 Bridge shall bring such fish for inspection to the U.S. Fish and Wildlife Service inspection stations located along that portion of the river.

(2) All eligible fishers shall allow access to harvested fish to biologists, enforcement officers and Indian trainees for the purpose of monitoring the harvest and to check for compliance with the provisions of this part.

11. By revising paragraphs (b)(1) and (b)(3) and adding a new subparagraph (b)(6) to § 258.14 to read as follows:

§ 258.14 Enforcement.

* * * * *

(b) *Seizure: Confiscation of fishing gear and fish.* (1) Any net or other fishing gear used in violation of these regulations and any fish caught or possessed in violation of these regulations may be seized by a law enforcement officer. Fishing gear so seized shall be held pending disposition by court order.

* * * * *

(3) Upon filing of such petition, the enforcement officer shall set out details of the seizure citing time, place and location of such seizure and fix a time for a hearing and cause notices for unattended gear or fish to be posted and published. Notices shall be posted for 14 days at both courthouses of the Court of Indian Offenses and the Del Norte County Courthouse. The Clerk of the Court shall publish notices in local news media having circulation on the reservation. Such notices shall be published for a period of five days and shall set forth the substance of the hearing.

* * * * *

(6) All fish seized shall be promptly sold by law enforcement officers and the proceeds held pending adjudication of the charge that was the basis for the seizure. Proceeds from sales of fish that are found, upon adjudication, to have been illegally taken will be transferred to a special Hoopa-Yurok Fund in the U.S. Treasury.

12. By revising paragraphs (a)(1), (a)(2), and (a)(3) of § 258.15, and adding new paragraphs (h), (i) and (j) to that section to read as follows:

§ 258.15 Penalties.

(a) Any eligible Indian who violates §§ 258.3(c), 258.5(c), 258.8 (a), (e), or (g), 258.11 (a) or (b) shall be subject to the following penalties:

(1) *1st violation of the regulations of this part.* No more than $200 or 2 months in jail or suffer suspension of tribal

fishing rights for 60 days during the fishing season, or any combination of the above.

(2) *2nd violation of the regulations of this part.* Not more than $400 or 4 months in jail or suffer suspension of tribal fishing rights for 120 days during the fishing season or any combination of the above.

(3) *3rd or subsequent violations of the regulations of the part.* Not more than $500 or 6 months in jail or suffer suspension of tribal fishing rights for 180 days during the fishing season, or any combination of the above.

* * * * *

(h) Any person who refuses while in the physical presence of a presiding judge to obey a lawful order of the Court of Indian Offenses shall be fined not more than $100 or sentenced to jail for a period not to exceed 30 days, or both.

(i) For purposes of determining imposition of fines and sentences under this part, the number of violations shall include all violations occurring in previous years.

(j) *Civil Penalty.* (1) The owner of a marked or unmarked gillnet shall be strictly liable for the costs of seizure, costs of storage, costs of advertising of seizure, costs of proceeding in court and attorney's fees for any gillnet fished in violation of these regulations.

(2) These civil regulations shall in no way substitute, replace or otherwise affect any criminal sanctions set forth in these regulations.

(3) The Court of Indian Offenses may secure said gillnets until such costs have been paid. If after a reasonable length of time no payment or inadequate payments have been made, the Court of Indian Offenses may release the nets to the Bureau of Indian Affairs for disposal as directed by the Secretary of the Interior.

§ 258.15 [Amended]

13. By revoking paragraph § 258.15(d).

14. By revising § 258.16 to read as follows:

§ 258.16 Forceable assault and impeding a law enforcement officer.

Any person who forcibly assaults, resists, impedes, or interferes with a law enforcement officer engaged in the enforcement of the regulations of this part shall be prosecuted in the federal courts under 18 U.S.C. 1111 and 1114.

15. By revising § 258.17 to read as follows:

§ 258.17 Hoopa Valley Indian Reservation court of Indian offenses.

The Hoopa Valley Indian Reservation Court of Indian Offenses established under 25 CFR Part 11 has jurisdiction which is limited to trying persons accused of violating these regulations and determining whether nets, or other fishing gear and fish are forfeited.

Dated: November 3, 1980.

Cecil D. Andrus,

Secretary of the Interior.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENVIRONMENTAL PROTECTION AGENCY

67578 10–10–80 / Air pollution control; Motor vehicles and engines; nitrogen oxides research program for 1981 and later model years

67345 10–10–80 / Arizona air quality control regions; approval of redesignation

67348 10–10–80 / Wisconsin; designation of areas for air quality planning purposes, change in attainment status for sulfur dioxide

FEDERAL COMMUNICATIONS COMMISSION

65597 10–3–80 / Domestic public and mobile radio services; ownership amendments, cut-off rules exemption clarification

[Corrected at 45 FR 70468, 10–24–80]

65595 10–3–80 / License response to certain investigatory reports; predesignation pleading procedure

FEDERAL DEPOSIT INSURANCE CORPORATION

67310 10–10–80 / Assessments paid by insured banks for deposit insurance

GENERAL SERVICES ADMINISTRATION

67663 10–14–80 / Small business class set-aside for architect-engineer services

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

67325, 67326 10–10–80 / Hearing Aids; applications for exemption from Federal preemption of State and local requirements (2 documents)

Health Care Financing Administration—

67542 10–10–80 / Professional Standards Review Organizations (PSROs); financing of hospital review activities

Office of the Secretary—

67262 10–9–80 / Debarment and suspension from eligibility for financial assistance under HHS discretionary programs

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of the Assistant Secretary—

59561 9–10–80 / Mutual mortgage insurance and insured home improvement loans; delivery of one-to-four family properties occupied by tenants or former mortgagors; revised criteria

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

67500 10–10–80 / Surface coal mining and reclamation enforcement operations; administrative sanctions against permittees in violation; interim regulatory program

NUCLEAR REGULATORY COMMISSION

31701 5–14–80 / Misadministration reporting requirements

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

67064 10–9–80 / Operating limitations and related requirements for certain propeller driven, small airplanes designed for agricultural aircraft operations or fire fighting purposes

Federal Highway Administration—

67091 10–9–80 / Education and Training Programs; extension of financial support for recipient of a fellowship or scholarship grant

List of Public Laws

Note: The listing of October 24, 1980 of public bills which have become law was the last until Congress reconvenes November 12, 1980. For a complete up to date cumulative listing see **Reader Aids** in the issue of Wednesday, November 5, 1980.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: December 5 and 19, January 16 and 30; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.



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